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PORCUPINE'S

WORKS;

CONTAINING VARIOUS

WRITINGS AND SELECTIONS,

EXHIBITING A FAITHFUL PICTURE

OF THE

093

UNITED STATES OF AMERICA;

OF THEIR

GOVERNMENTS, LAWS, POLITICS AND RESOURCES;

OF THE CHARACTERS OF THEIR

PRESIDENTS, GOVERNORS, LEGISLATORS, MAGISTRATES AND MILITARY MEN;

AND OF THE

CUSTOMS, MANNERS, MORALS, RELIGION, VIRTUES AND VICES

OF THE PEOPLE:

COMPRISING ALSO

A COMPLETE SERIES OF HISTORICAL DOCUMENTS AND REMARKS,

FROM THE END OF THE WAR, IN 1783,

TO THE

ELECTION OF THE PRESIDENT, IN MARCH, 1801.

BY WILLIAM COBBETT.

IN TWELVE VOLUMES.

(*A Volume to be added annually.*)

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HISTORICAL DOCUMENTS

AND

REMARKS,

FROM DECEMBER 1799 TO MARCH 1801.

HISTORICAL DOCUMENTS,

ETC.

TRIAL OF COOPER.

THIS seditious emigrant is mentioned in the Rush-Light, No. V, to which I refer the reader for an account of his general conduct, inserting here a brief sketch of his trial, which was held in the district court of the United States, at Philadelphia, April Term, 1801.

The bill of indictment having been returned *true*, COOPER, who chose to plead his own cause, put in the following plea.

" The defendant (protesting against the insinuations and constructions in the said indictment alleged against him) pleads not guilty, and of this he puts himself upon his country, and will give the following facts in evidence on the trial, in justification of the supposed libel, stated in the aforesaid indictment :—

" 1st. Mr. Adams, either by himself, or by the officers of state acting under his authority, has given the public to understand, that he would bestow no office but on persons who conformed to his political opinions.

" 2d. Mr. Adams has declared, that a republican government may mean any thing.

" 3d. Mr. Adams did sanction the alien law, and thereby the abolition of the trial by jury, in the cases that fall under that law.

" 4th. Under the auspices of Mr. Adams, the expense of a permanent navy is saddled on the people.

" 5th. Under the auspices of Mr, Adams, we are threatened with the existence of a standing army.

" 6th. The government of the United States has borrowed money at 8 per cent in time of peace.

" 7th. The unnecessary violence of official expressions used by Mr. Adams, and those in authority under him, and his adherents, might justly have provoked a war.

" 8th. Political acrimony has been fostered by those who call themselves his friendly adherents.

" 9th. Mr. Humphries, after being convicted of an assault and battery on Benjamin Franklin Bache, the printer of the Aurora, merely from political motives, was, before his sentence was expired, promoted by Mr. Adams to a public office, *viz.* to carry dispatches to France.

" 10 h. Mr. Adams did project, and put in execution, embassies to Prussia, Russia, and the Sublime Porte.

" 11th. Mr. Adams, in the case of Jonathan Robbins, *alias* Nash, did interfere to influence the decision of a court of justice.

(Signed) " THOMAS COOPER."

When this cause was called up for trial—the defendant informed the court, that he had applied to Mr. Rawle, the attorney of the United States for the district, to know whether he would admit the Gazette of the United States to be read in evidence;

dence; that Mr. Rawle replied, he did not consider newspapers as legal testimony; and that, in consequence of this reply, he had applied to Mr. Pickering, the secretary of state, for copies of certain addresses and answers, from and to the President of the United States: and to this application, Mr. Pickering replied, that these papers were not deposited in his office.—The defendant observed that he considered he had a right to copies of those papers, from the officers of the government, and read the case of *Rex* v. *Holt*, in support of his right,—and upon this he applied to the President of the United States for copies of the papers. He informed the court, that he made application to the President by a letter, which he read. This letter stated, that being indicted for a supposed libel, he found it necessary to apply to the President for official copies of certain addresses to him (the President), and his answers to them; and requested the President to consider his letter as a legal written application for copies of the papers required by him. To this letter, the defendant observed, he had received no answer; in consequence of his not receiving an answer, he purchased a volume, purporting to be addresses to the President, and his answers, published in Boston, that he sent his son with the volume to Mr. Shaw, the secretary of the President, with a note, requesting Mr. Shaw to examine the publication in the volume with the originals, and inform him if they were correct; to this Mr. Shaw made the following reply: "Mr. Shaw informs Mr. Cooper that he will not receive any information concerning answers to addresses from this house." The defendant then observed that he regarded this as an official answer from the President of the United States, and he did not see how he could proceed when that testimony which was necessary to his de-

fence was withheld from him "by the person who may be considered as his accuser or prosecutor."

Judge Chase here observed to the defendant, that he was greatly mistaken in considering the President of the United States as his prosecutor; it was no such thing. You are charged, said the Judge, with having violated a law of the United States, and the government of the United States prosecutes. You say you have a right to copies of official papers in the great offices of state; I know of no law which gives you this right. You seem to take it for granted that you have this right; it is not so.

The defendant then observed, that he had subpœned several gentlemen in Congress and had received important information, and that he was also informed that several gentlemen in Congress hesitated whether they would attend, as they would not neglect their official duties to attend as a witness in a court; here Mr. Dallas read a note, addressed to him from Mr. Langdon, informing, that the Senate were in session, and he could not attend the court. The witnesses were then called over, to wit: *Timothy Pickering*, *Jacob Wagner*, *Robert G. Harper*, *Thomas Pinckney*, *John Davenport*, Colonel *Matthew Lyon*, Albert Gallatin, John Langdon, *William Craick* and Edward Livingston. Those whose names are in Italics attended.

Judge Chase asked the defendant if he meant the cause should be continued to the next term; if so, he must proceed according to law. He must file an affidavit, stating the reasons why he desired it to be continued. The defendant filed his affidavit, which in substance stated, that owing to the absence of two material witnesses on his behalf, he could not with safety go on to trial.

Judge Chase observed that the affidavit was insufficient, because it did not disclose to the court the

the names of the witnesses, and what was expected they would prove; and the court could not judge from the affidavit whether they were material witnesses —" We will indulge you, Mr. Cooper," said the judge, " with permitting you to file an additional affidavit; this indulgence we grant because you have no counsel. We wish you had thought proper to have employed counsel, individuals are not supposed to be acquainted with law; therefore we permit your filing an additional affidavit."

While Mr. Dallas was assisting the defendant in drawing the additional affidavit, the witnesses required by him appeared in court, and the defendant said he was ready to proceed to trial.

The Judge's Charge to the Jury.

Gentlemen of the Jury,

When men are found rash enough to commit an offence such as the traverser is charged with, it becomes the duty of government, as it is the law of the land, that they should not pass with impunity. The traverser is charged with having published a false, scandalous and malicious libel on the President of the United States, in his official character as President. I know of no civilized country that does not punish similar offences, and it is peculiarly necessary to the peace and happiness of this country, that such offences should meet with their proper punishment, as our government is a government founded on the opinions and confidence of the PEOPLE—it is *their* government—created by them, and if an improper law is enacted, the people have it in their power to obtain the repeal of such law, or even the constitution, if found defective, provision is made for its amendment—therefore our government is truly republican—a GOVERNMENT OF REPRESENTA-

TION AND RESPONSABILITY. All officers of the government are liable to be removed, or their duration in office limited by elections at certain fixed periods, except the judiciary, who are restricted by the constitution, which declares they "shall hold their offices during good behaviour," and therefore may be removed for misbehaviour in that office.

All governments punish libels upon government; and it is my opinion that there is nothing we should more dread than the licentiousness of the press. A republican government can only be destroyed by the introduction of luxury and the licentiousness of the press. If you destroy the confidence of the people in their supreme magistrate and the legislature, you effectually sap and undermine the government. The licentiousness of the press is the slow but sure and certain means of destroying the confidence of the people; when that confidence, which is the support of the government, ceases, the government must fall. The government of this country has thought proper to pass a law to check the licentiousness of the press, and prescribing the punishment for the violation of the law.

The Judge read the act of Congress upon which the defendant was indicted, and proceeded to observe, that the intent to defame, to bring into contempt and disrepute and to excite the hatred of the people, were important words in the law; for if there is no such intent, there is no offence created by the law.

THOMAS COOPER, then, stands indicted with publishing a false, scandalous and malicious libel upon the President of the United States, with intent to defame the President, to bring him into contempt and disrepute; and to excite against him the hatred of the people of the United States.

In making up your verdict, gentlemen, you will consider two things, *the publication*, and *the* intent

intent of the publisher; for the intent is as much a fact as any other, must be proved in the same manner as other facts, and must be proved as stated in the law of Congress—to defame the President, to bring him into contempt and disrepute, and to excite against him the hatred of the people. The mere publication is no offence, and though you consider them separately the offence is created by the two coupled together.

First, then, as to the PUBLICATION—

The publication is proved, and with very aggravated circumstances. It appears from the testimony that the traverser went to the house of a justice of the peace with this paper, whom of all other characters he ought to have avoided, for it appears indecent and outrageous to deliver such a paper to a justice of the peace, and the manner in which it was delivered was yet more indecent. "*This is my name, and I am the author of this handbill,*" was pronounced with the same solemnity as if the traverser was about to part with an estate. This conduct shews a disposition in the traverser to dare—to defy the government, and his subsequent conduct proves to my mind such to have been his disposition, for he justifies his publication in all its parts.

The Judge observed, that the jury ought to take the *publication* and the *intent* together, and consider the whole when taken together. The traverser states, that he does not arraign the *motives* of the President, but he has boldly asserted in his defence, that he intended this publication as a censure on the President, which his conduct deserved. Now, gentlemen, the *motives* of the President in his official conduct is not a subject of enquiry with you. It is no apology to say that the President is *honest*, but he has done acts which prove him *unworthy the confidence* reposed in him by the people of the United States,

States, *incapable* of executing the duties of his station, and renders him unworthy of being appointed to that important office which he holds. The motive or *intent* of the traverser and not of the President is the matter to be enquired into by you.

The Judge then divided the libel and made observations on its several parts, and first he considered that part which relates to the President in the following words: "*Even those who doubted his* CAPACITY, *thought well of his intentions.*" The Judge thought that in this compliment, as to the "*intentions*" of the President, there was contained a sting, which was intended should be felt, for it was in substance to say of the President: "You may have good intentions, but I doubt your *capacity*, your *capacity* is doubted."—But the traverser goes on to say: "*Nor were we yet saddled with the expense of a permanent Navy, nor threatened, under his* (the President's) *auspices with the existence of a* STANDING ARMY. *Our credit was not yet reduced so low as to borrow money at* 8 *per cent* IN TIME OF PEACE." Judge Chase asked, if these things were true, what effect would they have on the public mind? If the people believed those things, what would be the consequence? If true, ask yourselves, gentlemen, what would be your opinion of the President of the United States? Those charges are no less against the President, than against the Congress; for these acts cannot be done without Congress. But the President is further charged, for that "*the unnecessary violence of his official expressions might* JUSTLY *have provoked a* WAR." A serious charge, indeed! By his violence, not only PROVOKED a war, but provoked a JUST WAR against his country. If you believe he has done this, again, gentlemen, ask yourselves, What would be your opinion of him? Surely the worst you could form of any man. You would, most

most certainly consider him as very unfit and unworthy the high station which he has so honourably filled, and with so much usefulness to his country.

As to the expressions of the President, the Judge observed, that when the great body of the people, in their addresses, expressed to him their sentiments of personal attachment and confidence, he replied to them in answers which generally echoed those sentiments, and his expressions were as general, as the nature of answers would admit. The Marine Society of Boston, in their address, as old seamen, attached to the navy, speak in favour of a navy, the President, in his reply, thinks a navy a good measure of *defence*, and there can be no offence in publishing this as his opinion, without coupling it with the malicious intent.

The traverser asserts, that under the auspices of the President, we have a standing army. This is not true; the traverser ought to know that it is not true—No *standing army* can be raised in this country, without a violation of the constitution of the United States, which declares, that Congress shall have power "to raise and support armies; but no appropriation of money to that use shall be for a longer term than *two years*." And there can be no permanent or standing army. The Judge stated, that government had thought proper to raise two armies, the one the western army, whose enlistment was limited to *five years*, and the other whose enlistment was also limited; that is, during the existence of the differences with the French republic, so that neither can, with truth or propriety, be termed a standing army; and the publication is calculated to alarm and mislead the most ignorant, for there is nothing which the people of this country more dread than the existence of a standing army.

The

The traverser states, that under the auspices of the President our credit is reduced "*so low as to borrow money at* 8 *per cent.* IN TIME OF PEACE."—Is this true?—Do you believe it? You well know that the very expense incurred, upon which the loan is made, is in consequence of the conduct of France. Is there no war? no hostilities? Has not France plundered us to the amount of millions? Have we not of late been defending ourselves, and taken some of their armed vessels, and is this PEACE? Although there has been no formal declaration of war, yet actual hostilities have taken place; and to call this peace is not true, and the traverser must know it to be untrue.

Judge Chase passed over that part of the publication relating to projected embassies to Prussia, Russia, and the Sublime Porte, as matters of no consequence, and proceeded to that part of the publication which charged the President with interfering "to influence the decisions of a court of justice."

Although this is to be considered as a mere sketch of the Judge's charge, and very inferior to it in point of language, yet in substance we believe we have been correct. His enquiry into the case of Thomas Nash, heretofore called Jonathan Robbins, contained an important judicial decision on that case, delivered in the most clear, correct, and precise manner. He stated the case—that Jonathan Robbins, whose real name appears to have been Thomas Nash, was charged with piracy and murder committed on board the British armed ship the Hermione—that Nash was in *America*, and the British Minister made a requisition to the President that he should be delivered up—the question then occurs, whether the President was obliged by treaty or law to deliver him up? If so, the charge of interference to influence the decisions of a court

court of justice is without foundation. This question then is to be enquired into. The requisition of the British Minister was made in consequence of mutual stipulations agreed on in the British treaty, that either of the contracting parties "will deliver up to justice, all persons who being charged with *murder* or *forgery* committed *within the jurisdiction* of either, shall seek an asylum within any of the countries of the other, provided this shall only be done on such evidence of criminality, as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the offence had been there committed." The Judge considered the reason why this stipulation was introduced into the treaty, and observed that the one crime was an offence against the laws of God and man, and ought never to be committed with impunity—that the other was an offence which affected all commercial countries, and should always meet with its proper punishment. Nash, then, was charged with *murder committed on board a British armed ship.* All countries have two kinds of jurisdiction; the one *territorial*, which is confined to the territories of the country; the other *personal*, which extends to their subjects in their armed ships on the ocean; all nations have this personal jurisdiction, and the reason is plain, for all countries are answerable for their citizens on the ocean; unless it were so, crimes committed on board of armed ships would go unpunished, for no other country can claim jurisdiction. Nash, then, charged with having committed murder within the jurisdiction of Great Britain, and, on judicial examination, such evidence of criminality appeared, as, according to the laws of this country, would justify his commitment for trial, if the offence had been here committed, was required by the British Minister

Minister to be delivered up by the government of the United States, which, by the mutual stipulation contained in the treaty, is agreed upon, and this country bound to deliver him. But who is the proper person to deliver up the fugitive or person described in the article of the treaty? Does not the President of the United States represent this country with foreign powers? If so, this measure solely belongs to the President of the United States, and not to the judiciary—it belongs to him, and him alone, and no court of justice can try or have jurisdiction over the offence of murder committed on board a British armed ship. Thus, then, in doing an act which the President was by law bound to do, of which a court of justice had no cognizance, the President is charged "with an interference to influence the decisions of a court of justice." The Judge thought no charge could be more prejudicial to his character than this. Your safety, Gentlemen, said Judge Chase, greatly depends upon the independence of the judiciary. A judge, unless he acts corruptly, is alone answerable to his God and his conscience, and an attempt of the President to interfere or control his decisions, would be a high crime indeed.—Can you doubt it? But the President is charged with this crime, and with very aggravated circumstances attending it; that he interfered to influence the decisions of a court of justice, "*without precedent, against law and against mercy.*" What meaning does this convey to every reader? It is published by the traverser, that Nash was an American, not only an American, but a *native* citizen of America, delivered up "*without* precedent, *against law, and against* MERCY,"—and that this native citizen of America was "*forcibly impressed by the British,*" and by the President delivered up "*to the mock trial of a British court-martial.*"—This case is published in a manner greatly

to

to aggravate the offence, and is calculated to rouse the feelings of every American; for, there can be no charge of a more heinous nature against the President of the United States, and the manner in which it is made, is well calculated to operate on the passions of Americans, and I fear it has already done it. It appears, then, that this is a charge on the President, not only false and scandalous, but with intent to bring him into contempt and disrepute, and excite against him the hatred of the people of the United States, for if you believe it, it will have this effect upon your minds. Indeed, this appears to have been the intent of the publisher, and the publication seems to have been designed to have an effect on the people previous to the approaching election, for the publication makes a further remark on the conduct of the President in the case of Nash, "a case," says the traverser, "*too little known, but of which the people ought to be fully apprized* BEFORE THE ELECTION, *and they shall be.*" The Judge observed, that the traverser should prove all he published to be true, or he would fail; he should prove that the President did interfere to influence the decisions of a court of justice—that Nash, otherwise called Jonathan Robbins, was a native citizen of America, that he was impressed forcibly by the British, and that the interference of the President was against law. He fails if he does not prove that there is a *standing army* in this country, and each of the charges which he makes against the President—if he asserts three things, and proves but one, he fails; if he proves but two, he fails. The Judge thought the traverser had displayed great novelty in his defence. He states that he has published this handbill, and all that he has said is true; if you are of that opinion, you will acquit him; or if you believe he has published it without malice or intent to defame the President

President of the United States, you will acquit him. The Judge closed with directing the Jury, that it was with them to decide; they were to find the publication, and the intent, whether proved or justified.

The Jury found the prisoner GUILTY, and he was sentenced to pay a fine of *four hundred dollars*, and to be imprisoned six months amongst the *felons* in Philadelphia jail!

EMIGRATION SOCIETY.

In my notes on Priestley's Charity Sermon for the benefit of Poor Emigrants (see Vol. IX. at the close), I have mentioned some facts relative to this, and other similar institutions. I shall here insert an address to the public, from the Emigration Society of Philadelphia, which I beg the English reader to peruse with great attention.

" *The Philadelphia Society for the information and assistance of Persons emigrating from Foreign Countries, having become a Corporate Body, and desirous so excellent an Institution should become extensively useful, have resolved the following Address be presented to the Public.*

" TO relieve distress, and to lessen the ills of life, from whatever cause they may arise, is a conduct worthy of every virtuous and benevolent mind; but it is more or less praise-worthy, in proportion as the objects of our regard are destitute, or otherwise. If this be so, can any objects have a stronger claim upon public benevolence than those for whose benefit this Society was instituted, viz. *distressed Emigrants from foreign countries*, who, if there were no such institution, would probably *sink*,

sink, under their afflictions, into despair and death. Indeed, small as have been the means of this society, it has the happiness to believe, that it has preserved for future usefulness, *the lives* of several valuable individuals, who, from the *complicated distress of poverty* and *sickness, without such assistance, must have fallen under their accumulated weight.*

" *Nor are such scenes uncommon amongst the thousands who, from various causes, emigrate to this country*; for, if a foreigner, when he arrives in this city, be possessed of a small sum of money, if he do not get into *immediate employ, the very high price of every necessary of life soon consumes it*; *especially if he happen to have a family, or fall sick, the latter of which is not improbable, from the change of climate and manner of living.**

" It was to prevent, or at least to alleviate as much as was in their power, these evils attendant on emigration, that a number of individuals instituted this society in August 1794, and which has since been supported by an annual subscription of one dollar, together with a few but generous donations, and occasional charity sermons; and though it has not been enabled to do all the good which the members wished, from the want of adequate means, yet it appears from the report of the acting committee, " That it has given such information to sixty-seven emigrants, on their arrival, as to obtain for them almost immediate employment; that it has afforded peuniary assistance to one hundred and twenty persons in actual distress, and, to many of them, advanced money to purchase working tools," &c. and from the report of the physician it appears, " That pecuniary and medical aid has

* What, then, shall be said of those miscreants, who are engaged, by the land-jobbers, in inveigling poor creatures from the British dominions?

been granted to between sixty and seventy sick and needy emigrants, many of whom laboured under infectious diseases, and who would most probably have been lost, but for the timely and unremitting attention which was given to them.

" So much good having been effected by this yet infant society, what may it not be expected to accomplish, when it shall become more generally supported, as its friends doubt not it will, when the public shall be more fully apprized than it has yet been of its benevolent and beneficial tendency? For surely there are not many inhabitants of this country who, when they are told by a society which has made it a primary object to enquire into the subject, that there is much unalleviated distress amongst persons newly arrived here, arising from sickness and other causes, and for which there is no adequate public provision, who will withhold their support to an institution whose object is to comfort, advise and relieve this unfortunate class of our fellow men. This society, therefore, constantly make it their business to have advertisements delivered on board every vessel containing passengers, which comes to this port, immediately on its arrival, which advertisements invite all, who want assistance, to apply for it as therein directed, distress being the only recommendation to ensure to them all the good which this establishment has it in its power to afford.

" The object of this institution being so purely benevolent, no other consideration should seem to be necessary to induce a general concurrence in its support. But it may be further asserted, with truth, to be closely connected with the public interests of the country, since the advantages resulting from emigration, in a national view, are great and obvious. Men of talents and industry coming here from every part of the world, add to the common

mon stock of the talents and industry of the country, and are doubtless, therefore, a great acquisition, as by their means not only the arts and sciences are improved, but manual labour is multiplied, so that agriculture is promoted, and every national improvement is encouraged and effected.

If any thing more were necessary to shew the propriety (if not duty) of supporting this institution, the opinion entertained of it by the late President Washington might have some weight. He thus expresses himself in answer to an address presented to him by the society on the anniversary of his birth-day, in 1796—"The principles of benevolence on which the society is founded, and which regulate its proceedings, entitle it to the approbation of all your fellow-citizens."—If, then, this sentiment be true, the society trusts that this call for attention to the distressed emigrant stranger, will not be in vain.

"By order of the Society,

"HENRY ANDREW HEINS,

"President.

"Attest,

"J. KENRICK, Secretary."

"*Philadelphia, June* 24, 1797.

"To afford the fullest information which can be given to the public on this subject, the society have just published their act of incorporation, constitution and by-laws, together with the laws of the United States, and of the state of Pennsylvania, relative to emigrants, which may be had of all the booksellers; the profits on the sale of which are proposed to be added to the fund of the institution.

"The society intends to follow this address by personal application to their fellow-citizens for

support to this yet infant establishment, which wants only the further means of extending its benevolent designs.

" ☞ The Committee of Conference and Correspondence of this Society meet every Monday evening, at seven o'clock, at No. 142, North Third-street, and the stated monthly meetings are held at the College in Fourth-street, the first Wednesday in every month, at the same hour. Subscriptions will also be received at all times by the President, Henry Andrew Heins, at No. 142, North Third street; by the Treasurer, Thomas Newnham, No. 145, North Second-street; * by the Register, Mark Kaennel, No. 103, North Second-street; or by the Secretary, John Kenrick, No. 67, North Third-street."

WASHINGTON's DEATH.

The *immediate cause* of the death of this man will be seen clearly explained in Vol. XI. That the *lancet*, which has destroyed, in America, many more than have been destroyed by the Yellow Fever, put an end to his existence, no one can doubt.

It is not my intention to enter, at present, into an examination of the *character, or conduct*, of Washington, that is a task which I reserve, till the

* This *Thomas Newnham* was a Birmingham man, and one of the followers of Priestley. He received a stipend from the land-jobbers, for inveigling people from England.

In 1799, the Committee of the Guardians of the Poor for the city of Philadelphia, reported, that, during the sickness of that year, they gave pecuniary aid to *nine hundred and ninety-nine families*, many of which were *emigrants lately from Ireland*. Yet Doctor Priestley wrote home to the artisans of England, and told them, that, in America, there was " *hardly a family in* " *want!!!*

long

long promised *History of his Life* shall come from the pen of his American biographer. In the mean time, I here insert a few curious articles, to a publication of which his death gave rise.

The Letters, in which the death of Washington was announced to the Congress, will be found in the Review of Mr. Hamilton's Pamphlet, in this Volume. The two following ones seem necessary to complete the collection.

"*Gentlemen of the Senate, and Gentlemen of the House of Representatives,*

"IN compliance with the request in one of the resolutions of Congress of the 21st of Dec. last, I transmitted a copy of those resolutions by my Secretary, Mr. Shaw, to Mrs. Washington, assuring her of the profound respect Congress will ever bear to her person and character—of their condolence in the late afflicting dispensation of Providence, and entreating her assent to the interment of the remains of GENERAL GEORGE WASHINGTON, in the manner expressed in the first resolution.—As the sentiments of that virtuous lady, not less beloved by this nation, than she is at present greatly afflicted, can never be so well expressed as in her own words, I transmit to Congress her original letter.

"It would be an attempt of too much delicacy, to make any comments upon it;—but there can be no doubt that the nation at large, as well as all the branches of the government, will be highly gratified by any arrangement which may diminish the sacrifice she makes of her individual feelings.

"JOHN ADAMS."

"*United States, Jan.* 8, 1800."

MRS. WASHINGTON's LETTER.

"*Mount Vernon, Dec.* 31, 1799.

"SIR,

"WHILE I feel with keenest anguish the late dispensation of Divine Providence, I cannot be insensible to the mournful tributes of respect and veneration, which are paid to the memory of my dear deceased husband; and, as his best services and most anxious wishes were always devoted to the welfare and happiness of his country, to know that they were truly appreciated, and gratefully remembered, affords no inconsiderable consolation.

"Taught by the great example, which I have so long had before me, never to oppose my private wishes to the public will, I must consent to the request made by Congress, which you have had the goodness to transmit to me, and in doing this I need not, I cannot say what a sacrifice of individual feeling I make to a sense of public duty.

"With grateful acknowledgment and unfeigned thanks for the personal respect and evidences of condolence expressed by Congress and yourself,

"I remain very respectfully,

"Sir,

"Your most obedient and

"Humble Servant,

"MARTHA WASHINGTON."

"*The President of the*
"*United States.*"

These letters were followed by the following Proclamation.

By

By the President of the United States of America,

A PROCLAMATION.

" WHEREAS the Congress of the United States have this day resolved: " That it be recommended to the people of the United States to assemble on the 22d day of February next, in such numbers and manner as may be convenient, publicly to testify their grief for the death of General *George Washington*, by suitable eulogies, orations and discourses, or by public prayers;" and " That the President be requested to issue a Proclamation for the purpose of carrying the foregoing resolution into effect"—NOW, THEREFORE, I, *John Adams*, President of the United States of America, do hereby proclaim the same accordingly.

" Given under my hand and seal of the United States, at Philadelphia, the 6th day of January, in the year of our Lord 1800, and of the independence of the said States the twenty-fourth.

" JOHN ADAMS."

" *By the President.*"

This was the signal for an universal display of folly and hypocrisy such as the world never before witnessed. Take the following for a specimen of the newspaper praise that was bestowed on the deceased " *hero.*"

" Last Saturday was devoted by this city accord-
" ing to the proclamation of the President, to so-
" lemn recollections and funeral orations in honour
" of our beloved WASHINGTON. General Ha-
" milton at the head of the Cincinnati, and fol-
" lowed by the corporation of the city and other
" public bodies, attended in the morning at the
" Dutch Church, when Dr. Linn, who had been
" previously appointed, delivered an eulogium—

" which for felicity of conception—for fire of-
" imagination—for energy of diction—and for elo-
" quence, will long be remembered. His selection
" of circumstances was so judicious—his metaphors
" so bold and original—his gesture so appropriate
" and forcible—and his voice, countenance and
" manner so impassioned, that a crowded and
" respectable auditory, were now elevated by his
" sublimity—now transported by his enthusiasm,
" and now melted by his pathos.—With what pa-
" triotic pride did every American listen to the
" praises which the orator bestowed on the hero
" of Monongahela, and the farmer of Potowmac.
" The splendours of ancient and modern names
" faded away before the superior brightness of this
" sun of American glory. His august image
" towered above all former greatness—and even
" royalty itself sunk beneath the majesty of his
" virtues. The eloquence of this oration was at-
" tended with its natural effects. *Not an eye could*
" *be seen that was not moistened with the big tear of*
" *grateful admiration—not a heaving bosom that did*
" *not breathe forth its ardent vows to the Father of*
" *his Country. The spectacle was infinitely interest-*
" *ing—a numerous assembly embalming with their*
" *tears the memory of the founder of their empire,*
" *and the foul stain of the ingratitude of republics,*
" *in one moment—blotted out for ever.*"

Amongst the obsolete puffs that were now revived, was the following correspondence with the *wise* Lord Buchan.

In the year 1792, the following paragraphs appeared in the papers of the United States:

" *Philadelphia, Jan.* 4.

" On Friday morning was presented to the President *of the United States* [then Gen Washington], a *box*, elegantly mounted with silver, and made of the

the celebrated *Oak Tree* that sheltered the WASHINGTON of Scotland, the brave and patriotic Sir WILLIAM WALLACE, after his defeat at the battle of Falkirk, in the beginning of the fourteenth century, by EDWARD I. This magnificent and truly characteristical present is from the Earl of BUCHAN, by the hand of Mr. ARCHIBALD ROBERTSON, a Scots gentleman, and portrait painter, who arrived in America some months ago. The box was presented to Lord BUCHAN by the Goldsmiths' Company at Edinburgh; from whom his lordship requested and obtained leave to make it over to a man whom he deemed more deserving of it than himself, and the only man in the world to whom he thought it justly due. We hear further, that Lord BUCHAN has, by letter, requested of the PRESIDENT, that, on the event of his decease, he will consign the box to that man, *in this country*, who shall appear, in his judgment, to merit it best, upon the same considerations that induced him to send it to the present possessor.

"The inscription, upon a silver plate, on the inside of the lid, is as follows:—*Presented by the Goldsmiths of* Edinburgh, *to* DAVID STUART ERSKINE, *Earl of* BUCHAN, *with the freedom of their corporation, by their deacon,* 1792."

The following is the Letter which accompanied the Box that was presented to General GEORGE WASHINGTON, *by Mr.* ROBERTSON, *from Lord* BUCHAN.

"*Driburgh Abbey, June 28th,* 1791.

"SIR,

"I had the honour to receive your Excellency's letter relating to the advertisement of Dr. Anderson's periodical publication in the Gazette of the United

United States; which attention to my recommendation I feel very sensibly, and return you my grateful acknowledgements.

"In the 21st Number of that Literary Miscellany, I inserted a monitory paper respecting America, which I flatter myself may, if attended to on the other side of the Atlantic, be productive of good consequences.

"To use your own emphatic words, *may that Almighty Being who rules over the Universe—who presides in the Councils of Nations—and whose providential aid can supply every human defect*—consecrate to the liberties and happiness of the American people, a government instituted by themselves for public and private security, upon the basis of law and equal administration of justice, preserving to every individual as much civil and political freedom as is consistent with the safety of the nation, and may HE be pleased to continue your life and strength as long as you can be in any way useful to your country!

"I have entrusted this sheet, inclosed in a Box made of the Oak that sheltered our great Sir William Wallace after the battle of Falkirk, to *Mr. Robertson, of Aberdeen, a painter, with the hope of his having the honour of delivering it into your hands; recommending him as an able artist, seeking for fortune and fame in the New World.* This Box was presented to me by the Goldsmiths' Company at Edinburgh, to whom, *feeling my own unworthiness to receive this magnificently significant present*, I requested and obtained leave to make it over to the man in the world to whom I thought it most justly due; into your hands I commit it, requesting of you to pass it, on the event of your decease, to the man in your own country who shall appear to your judgment to merit it best, upon the same

same considerations that have induced me to send it to your Excellency.

"I am, with the highest esteem,
"Sir,
"Your Excellency's most obedient
"and obliged humble servant,
"BUCHAN."

"*General* WASHINGTON,
"*President of the United States of America.*"

"*P. S.*—I beg your Excellency will have the goodness to send me your portrait, that I may place it among *those I most honour*, and I would wish it from the pencil of Mr. Robertson. I beg leave to recommend him to your countenance, as he has been mentioned to me favourably by my worthy friend, professor Ogilvie, of King's College, Aberdeen."*

WASHINGTON's ANSWER.

"*Philadelphia, May* 1, 1792.

"MY LORD,

"I should have had the honour of acknowledging sooner the receipt of your letter of the 28th of June last, had I not concluded to defer doing it till I could announce to you the transmission of my portrait, which has just been finished by Mr.

* The *Goldsmiths' Company* did not, it seems, know their man. His Lordship was very modest in preferring the rebel Washington to himself; but, he was certainly the best judge of his own "unworthiness."—Mr. ROBERTSON was seeking "*fortune* and *fame* in the New World." I believe he was baulked in his pursuit; for I never heard of him; and, had he made any noise in the new world, his fame would have reached me. The fact is, he took the wrong road. The Americans hate your hungry *fortune hunters*.

Ro-

Robinson (of New York), who has also undertaken to forward it. The manner of the execution of it does no discredit, I am told, to the artist; of whose skill favourable mention had been made to me. I was further induced to entrust the execution to Mr. Robinson, from his having informed me that he had drawn others for your Lordship, and knew the size which best suit your collection.

"I accept with sensibility and with satisfaction, the significant present of the box which accompanied your Lordship's letter.

"In yielding the tribute due from every lover of mankind, to the patriotic and heroic virtues of which it is commemorative, I estimate, as I ought, the additional value which it derives from the hand that sent it, and my obligation for the sentiments that induce the transfer.

"I will, however, ask that you will exempt me from compliance with the request relating to its eventual destination.

"In an attempt to execute your wish in this particular, I should feel embarrassment from a *just comparison of relative pretentions, and should fear to risk injustice by so marked a preference.* With sentiments of the truest esteem and consideration, I remain your Lordship's most obedient servant,

"G. WASHINGTON."*

"Earl of BUCHAN."

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* This is excellent! The old fox, who had as much wit in his little finger as Lord BUCHAN had in his whole body and head too, foresaw what risk his popularity would run from naming *the most worthy* amongst his survivors; and, therefore, he bequeathed the dear BOX to Lord BUCHAN himself!

The General having received the present from a nobleman, who was a subject of the king against whom he had rebelled, might, indeed, well believe, that no human being, besides him who gave it, could deserve to inherit the precious relic.

The

The Congress, in the height of their enthusiastic grief, resolved to expend one hundred thousand dollars on a Mausoleum to the memory of Washington; but, having taken three or four days to cool and to calculate, and a hard frost having set in, in the mean time, they, by a second resolve, put off the matter till another session, when, as we have seen, the Senate reduced the sum to fifty thousand dollars, which, indeed, was far too much money to be thrown away on such an edifice.—All the world will think right on this subject by and by; but the fools in England will be the last to open their eyes.

PROCEEDINGS IN CONGRESS, DURING THE SESSION, WHICH BEGAN ON THE THIRD DECEMBER, 1799.

PRESIDENT's SPEECH.

"*Gentlemen of the Senate, and Gentlemen of the House of Representatives,*

"It is with peculiar satisfaction, that I meet the Sixth Congress, of the United States of America.

"Coming from all parts of the Union, at this critical, and interesting period, the members must be fully possessed of the sentiments and wishes of our constituents.

"The flattering prospects of abundance, from the labours of the people, by land and by sea; the prosperity of our extended commerce, notwithstanding interruptions occasioned by the belligerent state of a great part of the world; the return of health, industry, and trade, to those cities, which have lately been afflicted with disease; and the various

various and inestimable advantages, civil and religious, which, secured under our happy frame of government, are continued to us, unimpaired: demand of the whole American people, sincere thanks to a benevolent Deity, for the merciful dispensations of his Providence. But while these numerous blessings are recollected, it is a painful duty to advert to *the ungrateful return* *, which has been made for them, by some of the people, in certain counties of Pennsylvania, where, seduced by the arts and misrepresentations of designing men, they have openly resisted the law, directing the valuation of houses and land. Such defiance was given to the civil authority, as rendered hopeless, all further attempts, by judicial process, to enforce the execution of the law; and it became necessary to direct a military force to be employed, consisting of some companies of regular troops, volunteers, and militia, by whose zeal and activity, in cooperation with the judicial power, order and submission were restored, and many of the offenders arrested. Of these, some have been convicted of misdemeanors, and others, charged with various crimes, remain to be tried.

"To give due effect to the civil administration of Government, and to ensure a just execution of the laws, a revision and amendment of the judiciary system, is indispensably necessary. In this extensive country, it cannot but happen, that numerous

* When the President talked thus, he seemed to have forgotten, that the Northampton Insurgents revolted against him and his land and horse tax, and *not against Providence*, to whom alone they owed any *gratitude*. He certainly forgot, too, that, in revolting against him and his heavy direct tax, they did no more than *he had taught them to do*, when he went about the country, like an itinerant preacher, urging his fellow subjects to rebellion, because their King had imposed a trifling duty upon tea, without forcing them to purchase that tea.

questions

questions respecting the interpretation of the laws, and the rights and duties of officers and citizens must arise. On the one hand, the laws should be executed; on the other, individuals should be guarded from oppression: neither of these objects is sufficiently assured, under the present organization of the Judicial Department, I therefore earnestly recommend the subject to your serious consideration.

"Persevering in the pacific and humane policy, which had been invariably professed, and sincerely pursued by the Executive Authorities of the United States; when indications were made, on the part of the French Republic, of a disposition to accommodate the existing differences between the two countries, I felt it to be my duty to prepare for meeting their advances, by a nomination of Ministers, upon certain conditions, which the honour of our country dictated, and which its moderation had given it a right to prescribe. The assurances which were required of the French Government, previous to the departure of our Envoys, have been given, through their Minister of Foreign Relations; and I have directed them to proceed on their mission to Paris. They have full power to conclude a Treaty, subject to the constitutional advice and consent of the Senate. The characters of these gentlemen, are sure pledges to their country, that nothing incompatible with its honour, or interest, nothing inconsistent with our obligations of good faith or friendship to any other nation, will be stipulated.

"It appearing probable, from the information I received, that our commercial intercourse, with some ports, in the island of St. Domingo, might safely be renewed; I took such steps as seemed to me expedient to ascertain that point. The result being satisfactory, I then, in conformity with the act of Congress on the subject, directed the restraint

traint and prohibition of that intercourse to be discontinued, on terms which were made known by proclamation. Since the renewal of this intercourse, our citizens trading to those ports, with their property, have been duly respected, and privateering from those ports has ceased.

"In examining the claims of British subjects, by the commissioners at Philadelphia, acting under the sixth article of the treaty of amity, commerce and navigation with Great Britain, a difference of opinion on points deemed essential in the interpretation of that article, has arisen between the commissioners appointed by the United States, and the other members of that board, from which the former have thought it their duty to withdraw. It is sincerely to be regretted, that the execution of an article, produced by a mutual spirit of amity and justice, should have been thus unavoidably interrupted. It is however confidently expected, that the same spirit of amity, and the same sense of justice, in which it originated, will lead to satisfactory explanations. In consequence of the obstacles to the progress of the commission in Philadelphia, His Britannic Majesty has directed the commissioners appointed by him, under the seventh article of the treaty, relating to British captures of American vessels, to withdraw from the board, sitting in London, but with the express declaration of his determination, to fulfil with punctuality and good faith, the engagements which his Majesty has contracted by his treaty with the United States, and that they will be instructed to resume their functions, whenever the obstacles which impede the progress of the commission at Philadelphia, shall be removed. It being in like manner, my sincere determination, so far as the same depends on me, that with equal punctuality and good faith, the engagements contracted by the United States, ni

their

their treaties with his Britannic Majesty, shall be fulfilled. I shall immediately instruct our Minister at London, to endeavour to obtain the explanations necessary to a just performance of those engagements on the part of the United States. With such dispositions on both sides, I cannot entertain a doubt that all difficulties will soon be removed, and that the two boards will then proceed and bring the business committed to them respectively, to a satisfactory conclusion *.

"The act of Congress, relative to the seat of government of the United States, requiring that on the first Monday of December next, it should be transferred from Philadelphia, to the District chosen for its permanent seat; it is proper for me to inform you, that the Commissioners, appointed to provide suitable buildings, for the accommodation of Congress and the President, and for the public offices of the government, have made a report of the state of the buildings, designed for these purposes in the city of Washington, from which they conclude, that the removal of the seat of government to that place, at the time required, will be practicable, and the accommodations satisfactory. Their report will be laid before you."

"*Gentlemen of the House of Representatives,*

"I shall direct the estimates of the appropriations, necessary for the service of the ensuing year, together with an account of the revenue and expenditure, to be laid before you. During a period, in which a great portion of the civilized world has

* The hypocrite well knew, that the two boards would not meet again. He himself had been the principal cause of the breaking up of the board at Philadelphia; and a more scandalous breach of faith no government on earth was ever guilty of.

been involved in a war, unusually calamitous and destructive, it was not to be expected, that the United States could be exempted from extraordinary burdens. Although the period is not arrived, when the measures, adopted to secure our country against foreign attacks, can be renounced, yet it is alike necessary, to the honour of the government, and the satisfaction of the community, that an exact economy should be maintained. I invite you, Gentlemen, to investigate the different branches of the public expenditure—the examination will lead to beneficial retrenchments, or produce a conviction of the wisdom of the measures to which the expenditure relates."

"*Gentlemen of the Senate, and Gentlemen of the House of Representatives,*

"At a period, like the present, when momentous changes are occuring, and every hour is preparing new and great events, in the political world—when a spirit of war is prevalent in almost every nation, withwhose affairs the interests of the United States have any connection; unsafe and precarious would be our situation, were we to neglect the means of maintaining our just rights. The result of the mission to France is uncertain; but, however, it may terminate, a steady perseverance in a system of national defence, commensurate with our resources, and the situation of our country, is an obvious dictate of wisdom. For, remotely as we are placed from the belligerent nations, and desirous as we are by doing justice to all, to avoid offence to any, nothing short of the power of repelling aggressions, will secure to our country a rational prospect of escaping the calamities of war, or national degradation. As to myself, it is my anxious desire so to execute the trust reposed in me, as to render the people

people of the United States prosperous and happy. I rely with entire confidence on your co-operation in objects equally your care, and that our mutual labours will serve to increase and confirm union among our fellow-citizens, and an unshaken attachment to our government."

"*United States, December 3d*, 1799."

The principal subject of discussion, during this session of Congress, was a bill, brought into the Senate, by MR. ROSS, of Pensylvannia, and passed by that body, *prescribing the mode of deciding disputed elections for President and Vice-President of the United States*. The bill was amended by the lower house, and was finally thrown out; but it deserves to be recorded here.

"A BILL

Prescribing the Mode of deciding disputed Elections, of President and Vice-President of the United States.

SECT. I. *Be it enacted by the Senate and House of Representatives of the United States in Congress assembled*, That on the day before the second Wednesday in February *next, following the day when a President and Vice-President shall have been voted for by electors*, it shall be the duty of the Senate and House of Representatives of the United States, to choose, by ballot, in each House, six members thereof; the Senate, immediately after this choice, shall nominate by ballot, three of its members, and transmit their names to the House of Representatives, who shall, by ballot, choose one of the three, and the thirteen persons thus chosen, shall form a

Grand Committee, and shall have power to examine and finally to decide all disputes relative to the election of President and Vice-President of the United States, *Provided always*, That no person shall be capable of serving on this committee, who shall be one of the five highest *candidates*, out of whom a President of the United States may be chosen by the House of Representatives, in case no person should be found to have a majority of the whole number of *the votes of the* electors appointed by the different states.

SECT. II. *And be it further enacted*, That after the members of the committee shall have been appointed in the Senate and House of Representatives as aforesaid, each House before it adjourns shall proceed to choose, by ballot, two members thereof, as tellers, whose duty it shall be to receive the certificates of the electors, from the President of the Senate, after they shall have been opened and read, and to note in writing, the dates of the certificates, the names of the electors, the time and place of their meeting, the number of votes given, and the names of the persons voted for; and also, the substance of the certificates from the Executive Authority of each state, accompanying the certificates of the electors: and the minutes thus made by the tellers, shall be read in the presence of both Houses, and a copy thereof entered on the journals of each.

SECT. III. *And be it further enacted*, That when the certificates, transmitted by the electors of the different states, shall have been opened by the President of the Senate, and read in the presence of both Houses, and the minutes of the tellers read and compared, the President of the Senate shall administer the following oath, to all the members of the grand committee, appointed in pursuance of this act:

"I,

"I, A. B., do swear, (or affirm, as the case may be) that I will impartially examine the votes given by the electors of President and Vice-President of the United States, together with all the exceptions and petitions against them, and a true judgment give thereon, agreeable to the constitution and laws, and according to the evidence—So help me God." The President of the Senate shall then deliver to the chairman of the grand committee, all the certificates of the electors, and all the certificates or other documents transmitted to them, or by the Executive Authority of any state, and all the petitions, exceptions, and memorials against the votes of the electors, or the persons for whom they have voted, together with the testimony accompanying the same.

SECT. IV. *And be it further enacted*, That after the grand committee shall have been appointed and sworn in the manner herein directed, the person chosen by the House of Representatives out of the nomination made by the Senate, shall act as chairman of the committee; they shall meet on every day (Sundays excepted) from the time of their appointment, until they make their final report; they shall sit with closed doors, and a majority of the members may proceed to act. And if any members of the committee, appointed by either House, should die, or become unable to attend, after his appointment, the committee, before they proceed farther, shall notify both Houses of such death or inability, and the House by which such member was appointed, shall immediately proceed to choose another member, by ballot, to supply such vacancy; and the member thus chosen, shall be sworn, or *affirmed* by the President of the Senate: and if the chairman of the committee shall die, or become unable to attend, after his appointment, the committee, before

they proceed farther, shall notify both Houses of such death or inability; the Senate shall then nominate three of its members, out of whom the House of Representatives shall choose, according to the provision of this act, who shall be sworn or affirmed by the President of the Senate; and shall thenceforth be the chairman of the said grand committee, and the person or persons, thus appointed and sworn, or affirmed, shall, from thenceforth, have and exercise the powers necessary to supply such vacancy.

SECT. V. *And be it further enacted*, That the grand committee shall have power to send for persons, papers, and records, to compel the attendance of witnesses, to administer oaths or *affirmations* to all persons examined before them, and to punish contempts of witnesses refusing to answer, as fully and absolutely as the Supreme Court of the United States may, or can do in causes depending therein; and the testimony of all witnesses examined before the committee, shall be reduced to writing by the secretary of the committee, and shall be signed by the witnesses, after his examination is closed. And if any person, sworn and examined before this committee, shall swear, or affirm falsely, such person, being thereof convicted, shall incur the pains, penalties, and disabilities, inflicted by the laws of the United States, upon wilful and corrupt perjury.

SECT. VII. *And be it further enacted*, That it shall be the duty of the marshals of the several districts of the United States, and of their deputies, to serve all process directed to them, and signed by the chairman of the grand committee: and for such services, they shall receive the fees allowed for services of similar process, issued by the Supreme Court of the United States; and, all witnesses attending the committee, in consequence of

summons

summons or other process, shall receive the same compensation as witnesses attending the Supreme Court of the United States.

SECT. VII. *And be it further enacted*, That the grand committee shall appoint a clerk, who shall keep a journal of their proceedings under their direction, and after the grand committee shall have made their final report, he shall deposit with the secretary of the Senate this journal, together with all the certificates, written testimony and documents, which were under the consideration of the grand committee, where the same shall remain open for the inspection of the members of both houses.

SECT. VIII. *And be it further enacted*, That on the first day of March next, after their appointment, the grand committee shall make their final report to the Senate and House of Representatives, stating the number of legal votes for each person, and the number of votes which have been rejected: the report of a majority of the said committee, shall be a final and conclusive determination of the admissibility, or inadmissibility, of the votes given by the electors for President and Vice President of the United States: and where votes shall be rejected by the grand committee, their reasons shall be stated in writing for such exclusion, and signed by the members of the committee who voted for rejecting them, and the report shall be entered on the journals of both houses, who shall, on the day after the report is made, meet and declare the persons duly elected; and if no election of President has happened, then the House of Representatives shall immediately proceed, as the constitution directs, to elect a President.

SECT. IX. *And be it further enacted*, That when the grand committee shall have been duly formed according to the direction of this act, it

shall not be in the power of either house to dissolve the committee or to withdraw any of its members.

SECT. X *And be it further enacted*, That it shall be the duty of the executive authority of each state, to cause three copies of the law, resolution, or act of the state legislatures respectively, under which electors are chosen or appointed, to be made, certified, and delivered to the electors in such state before they gave their votes, and the electors shall annex one of the said copies to each list of their votes. And it shall hereafter be the duty of the electors to express specially in their certificates, the time, the place, and the manner of giving their votes.

SECT. XI. *And be it further enacted*, That all petitions respecting the election of President and Vice-President of the United States, shall be presented and read in the Senate of the United States, and remain there until delivery to the grand committee, at which time each petition shall be read in the presence of both houses; but no petition shall be received after the certificates of the electors shall have been opened, read and committed to the grand committee; nor shall any petition against the qualifications of a candidate or elector, or for improper conduct in an elector, be received, unless thirty days notice thereof be previously given to the person whose qualifications are contested, or whose improper conduct is petitioned against.

SECT. XI. *And be it further enacted*, That persons petitioning against the votes given by any of the electors of President and Vice-President of the United States, and persons desirous of supporting such contested votes, may respectively obtain testimony in the same manner, and under the same rules and regulations which are provided by the act, entitled "an act to prescribe the mode of taking evidence in cases of contested elections for members

members of the House of Representatives of the United States, and to compel the attendance of witnesses;" and the rules, regulations, provisions, and penalties of the said act shall be, and the same are hereby extended to cases arising under this act, as fully and absolutely as if the same were herein recited and enacted. Provided always, That the testimony thus taken, shall be transmitted to the secretary of the Senate of the United States, on or before the day upon which the certificates of the electors of the President and Vice-President of the United States are to be opened."

This Bill was a sweeper. It would, had it passed into a law, have, in reality, placed the election of the President *in the hands of the Senate alone*. That it would be much better for the country, were the election in the hands of the Senate, is certain; but, it would have been fairer to pass a law *directly* to that effect. To lead the sovereign people through the farce of an election, when the choice was finally to be made by thirteen men, *seven* of whom were to be nominated by the Senate, was a departure from that *frankness*, which has been said to be the characteristic of republicans.

While this Bill was pending before the Senate, Mr. CHARLES PINCKNEY, one of its members, communicated it to the Printer of the *Aurora*, who published it with very severe, and, indeed, very illiberal and unjust remarks. The Senate summoned the man before them. He attended, and, after certain interrogatories, was ordered to attend on a subsequent day to receive his sentence. He asked for counsel, which was granted him, with the proviso, that the counsel should *not be permitted to question the jurisdiction of the Senate*, nor to urge any matter but *in mitigation*. The counsel, with

with the approbation of their client, refused to appear thus shackled, and their letters of refusal, being published in the newspapers, produced great effect. The Senate proceeded; but the Printer, by absconding till after the session was over, avoided the punishment intended for him.

The House of Representatives had, on a former occasion, inflicted punishment for what they styled *a breach of privilege*; but this had not reconciled any man of sense to the proceeding. It was, indeed, a seditious miscreant that the Senate would, in this instance, have punished; yet, his punishment might have formed a precedent for the punishing of many an innocent and meritorious man; therefore, I, amongst many others, regretted to see the Senate, which was, unquestionably, the most reputable assembly in the United States, have recourse to such a mode of maintaining its character, and of sheltering its proceedings from false and malicious animadversions. The Senate was never a very *popular* body; it was always regarded, by the great mass of the people, with a jealous eye. This attempt added to unpopularity, and cast on it an odium, which it will not easily wipe off.—"Men," said a writer, on this occasion, "whatever may be their *political* principles, to whatever *party* they may belong, and however far "they may, for a time, be hurried out of the path "of truth and integrity, will all, in the moment "of reflection, condemn whatever is contrary to "the principles of *civil liberty*, which is the "greatest blessing that society affords. Americans "have been educated in the e principles From "habit, from reason, from a love of security, "they look upon a *Judge and Jury* as indispensably "necessary to the inflicting of just punishment. "Of what avail is it, that men are *said* to be "juged by their *peers*, if there exists a power, *any where*,

" *where*, to punish them without that sort of " trial? I am an humble admirer of the Senate; " they have saved us on many occasions; to them " it is that we owe the peace, which we at this " moment enjoy; it is not, therefore, from any " dislike to that excellent assembly, nor from any " disrespect to any of its members, that I scruple " not to assert, that, if they have a right to exer- " cise a criminal jurisdiction, we live under a " despotism, during the time that they are in " session. Their *plurality*, their proceeding by " *vote*, change not the nature of their power, or " of the punishment they inflict. That *assemblies* " can be as foolish, as capricious, as wicked, as " unjust, as cruel, and as inexorable as *indivi-* " *duals*, the history of the world, and particularly " of latter times, furnishes us with proofs in abun- " dance. I, therefore, repeat, that, wherever there " is an assembly, which is a judge in its own cause, " and which can, without any control, inflict " punishment on any citizen, there is, during " their session, *no real liberty*. But, if such a " species of jurisdiction be odious in any assembly " whatever, how odious and how preposterous is it " in an assembly, the members of which call " themselves the *Representatives of the People!* " That the representatives of the people should be " protected from slander, is most certain; but, it " would be very difficult to assign a reason, why " they should have any other protection than that " which is enjoyed by the people *whom they re-* " *present*. The *President's* reputation is, surely, " as dear to him, and to the citizens at large, as " that of the other branches of the Congress can " possibly be; yet has he no power to act as " judge in his own cause, and arbitrarily inflict " punishment on those that offend him. If he be " traduced, however grossly and maliciously, he

" must

" must come into the courts of justice, make his " appeal to the laws, and abide by the decision of " a jury and the sentence of a judge. The mem- " bers of the two Houses of Congress are, by the " express letter of the constitution, exempted from " punishment, and even from prosecution, crimi- " nal or civil, for whatever they may utter in their " places in the legislative chambers. This is " their lawful *privilege*; but, while they are thus " sheltered, to barricadoe themselves further, by a " criminal jurisdiction in their own cause, is an " assumption of power unknown to the law of the " land, a gross violation of every principle of civil " liberty, and an abuse, which no good man can " wish to see continued."

Such were the sentiments, not of the democrats, but of the best friends of the Federal Government, who thought, and very justly, that every attempt to exercise arbitrary power, however the proceeding might be fortified by precedents, would not fail to excite discontent. If the Senate wished to preserve their own dignity and influence, and the respect of those who may properly be called the people; if they wish to remain what they hitherto have been, the guardians of the American government and nation, they will never again attempt to exercise a power, the very possession of which must ever render them objects of hatred.

During this session, the democratic party moved a resolution for disbanding the twelve new regiments, which had been voted, and partly raised, on account of the rupture with France. This measure was, at first, opposed by the federalists; but, before the end of the session, the lower house passed a bill authorizing the President to disband the regiments, if he judged the measure prudent and necessary, during the approaching recess. This

bill

bill amounted to a disbanding of the army; because it was well known, that Adams, who was now laying in a provision of popularity against the ensuing election for President, would issue orders for disbanding the moment the Congress adjourned. The Senate saw this very clearly, and resolved to defeat his project. When, therefore, the disbanding bill came before them, they amended it so as to name a day for its certain operation, and thereby deprive the office-hunting Adams of the merit which he expected to derive from the exercise of his judgment in the business.

A bill was brought in, during this session, for making officers and soldiers amenable to the law of arrests for debt, from the operation of which law they had been hitherto exempted by the acts in consequence of which they had been raised. The bill, now proposed, ran thus:

"Be it enacted, &c. That if any person who "*shall have enlisted, or* hereafter may enlist, as a "non-commissioned officer or private soldier, in "the service of the United States, shall, prior to "his enlistment, have been taken in execution, or "arrested for debt, or contract, and committed to "prison, and at the time of his enlistment, as "aforesaid, be holden in prison by virtue of said "execution or arrest, such person shall not be "discharged from his imprisonment in conse-"quence of his enlisting as aforesaid—and in case "any such person, arrested as aforesaid, and prior "to his enlistment, shall have given bail, and at "the time of his enlistment, his bail shall not have "been discharged in due course of law, it shall "and may be lawful for the bail to take such mea-"sures for his or their discharge, as he or they "might have taken if the principal had not been "enlisted in the service of the United States:

"and

" and in case the principal shall be surrendered up " by the bail, he shall be holden in like manner, " as if he had not been enlisted as aforesaid; any " law or laws to the contrary notwithstanding."

That any thing contrary to the law here proposed should have been tolerated in a country where the common law of England was in force, will astonish every one, who has imbibed just notions respecting property; and I beg every Englishman to compare the military law of the United States with that of England.

It was urged by the federal party, that the rescinding of the provision in favour of the army, would be a breach of the contract, which the government had made with those who composed that army, " a *great part* of whom," said MR. OTIS, " have probably entered into the service for the " *benefit* of the provision now about to be re- " scinded." This gentleman certainly spoke truth; but, as the truth is not to be spoken at all times, he might have suppressed it here; for, a truth more dishonourable to the army and the country could not have been promulgated by their most bitter enemy. The bill was lost by a great majority, and the army thus continued to be, what it hitherto had been, *a sanctuary for fraudulent debtors.*

Another bill was brought in respecting the army, the necessity of which bill ought never to have existed. Its object was to prevent the military from appearing in great bodies at elections, and from overawing the people, and influencing their votes. The scenes of this sort, daily exhibited in the United States, clearly proved that the notions of the people, respecting the " *precious* " *elective franchise*" were but very feeble and confused.

This

This session of Congress was, upon the whole, productive of benefit to the Union; for though the far greater part of the time was taken up in long discussions of unimportant subjects, the committees of the two houses applied themselves to an arrangement of the finances, which must have a lasting effect on the affairs of the nation. The faction opposed to the federal government endeavoured to excite a hatred against it, by constantly dwelling on *the increase of the taxes and of the national debt.* It was very true that both had increased; but the increase was fairly attributed to the faction, which had encouraged France to adopt those measures which had compelled the federal government to have recourse to armaments, naval and military.

The national debt, at the end of the session stood thus:

	Dols.	Cts.
Amount six per cent stock, &c.	28,246,042	96
Do. deferred	13,682,944	18
Do. 1796	80,000	
Do. Navy	109,200	
Do. do. 1800	820	
Do. eight	5,000	
Do. 5 1-2	1,847,500	
Do. 4 1-2	176,000	
Do. 3	19,086,708	54
	69,048,395	68
Due Bankrupts	3,640,000	
Foreign Debt?	11,980,384	71
	84,668,780	39
Deficiency in 1800, by report of committee	3,500,000	
	88,168,780	39

Brought

	Dols.	Cts.
Brought over .	88,168,780	39
Amount Revenue, not collected	3,800,000	
	91,968,780	39
Amount public debt on the 1st January, 1790 .	72,613,254	63
Increase in Ten Years	19,355,525	76

The amount of the increase, as here stated, was said, by the federal secretary of the treasury, to exceed the reality; but GALLATIN, who has since published a history of the debt, has certainly proved the correctness of this statement. I do not like GALLATIN; he has always been of the French faction; but, in a question which admits of arithmetical demonstration, he is to be believed as well as another man.

The most unfavourable circumstance which presents itself as to this debt, is, that it has increased thus much during *ten years of peace*, notwithstanding the aid of numerous and heavy taxes. The trade and commerce of the country have been loaded till they are ready to sink under the weight of the burden; an excise, a stamp act, a land tax, a house tax, a tax *on slaves*, and divers other direct imposts have been imposed, and have created discontents, which will always be ready to break out into open revolt.

When people speak of the national debt, and the expenses of government, in America, they forget that there are *sixteen state governments*, whose debt and expenses ought to be added to the account. And when they speak of the taxes in America, they never make any mention of the various taxes, direct and indirect, that these sixteen governments have imposed. The following report of

of proceedings in the legislature of Virginia, will give the reader some idea of the finances of the individual States, and will probably set the eulogists of republican government to calculating, before they again repeat their abominable deceptions respecting the *cheapness* of that sort of government.

Estimate of the Expenses of the Civil Government for the current Year.

"Mr. Andrews reported, from the committee appointed to prepare an estimate of the expenses of the civil government, and to report their opinion of the provision which ought to be made for the support of the same, and for the payment of the public debt, that the committee had, according to order, prepared the same, and agreed upon a report, which he read in his place, and then delivered in at the clerk's table, where the same was twice read, and is as follows:

"Estimate of the Expenses of the Civil Government, &c. from October 1, 1797, to October 1, 1798.

		Dols.	Cts.
General Assembly		26,000	
Officers of the Government		47,871	
Officers of the Militia		3,804	
Contingent Expenses		11,704	
Criminal Charges	20,583		
Slaves executed	3,292		
Guards	5,671		
		29,546	
Representatives to Congress		719	
		119,644	

	Dols.	Cts.
Brought over	119.644	
Lunatic Hospital	4,000	
Commissioners of the Revenue	11,366	
Pensioners	5,216	
Arsenal	7,316	
Public Warehouse	2,663	
Public Buildings	4,000	
James River Company	2,620	
Potowmac Company	4,000	
Appamattox Company	2,000	
Penitentiary House	22,138	
4000 Stands of Arms, at 13 Dollars	52,000	
Annual Interest of old Certificates	4,000	
Interest due to British Debtors, about	40,000	
	281,283	

"To answer the claims which will accrue as above stated, there is the following provision, viz.

Revenue of 1797.

Taxes on Lands, and Lots	60,705	46		
On Negroes	48,226	54		
On Horses	16,151	66		
On Carriages	5,218	6		
On ordinary Licenses	4,095	24		
On Billiard Tables	3,750			
			138,146	96
Deduct for Sheriff's Commissions, Insolvencies, &c. $12\frac{1}{4}$ per cent.			17,268	35
			120,878	61
Law Process			1,628	
Register's Fees			3,000	
			125,506	61

Brought

	Dols.	Cts.
Brought over .	125,506	61
Cash in the Treasury, October 1, 1797 . .	115,350	
	240,856	61
Deficiency . .	40,426	39
	281,283	

" As no other fund can be made productive in time to answer the above deficiency of 40,426 dollars and 39 cents, there is a necessity of relying on the arrearages for that purpose, though experience does not permit the committee to be sanguine in their expectations from that source.—The following was the state of the arrearages on the 1st day of October, 1797 :

	Dols.	Cts.
Arrearages of the Revenue Taxes prior to 1790 .	213,273	10
Do. of do. posterior to 1789	57,287	99
	270,561	9
On the 1st day of October, they amounted altogether to	282,179	69
The diminution within the last year has therefore been only	11,618	60
	207,561	9
The arrearages of the Certificate Taxes are stated to be .	102,226	20

" The committee find, that the permanent annual expenditures cannot be estimated at a less sum

than 240,000 dollars—provided the contemplated importation of arms takes place, and if a proportion of the present debt of the commonwealth be annually discharged; which the committee presume the legislature will consider both just and politic. The committee therefore report, that in their opinion, it will be necessary so to increase the taxes, as to produce an additional yearly sum of 115,000 dollars."

The said report being read a second time, was, on a motion made, ordered to be committed to a committee of the whole house on the state of the commonwealth.

A bill was brought in the same year to tax wholesale merchants selling 20,000 pounds' worth of goods annually, £108. Merchants selling more than 3000, and not exceeding 20,000 pounds' worth, in the same proportion. Retailers who sell £3,000 worth, to pay £6; and all who sell less than £3,000 worth, to pay £4. The evidence required of the merchant as to the amount sold, was his own oath.

A bill was also introduced for the more effectual *restraining of gambling*. By this bill all gaming tables in the state were to be burnt on the 9th of the next March. After that time, if any money is staked as a bett, any of the by-standers were at liberty to *snatch it*; and if the original possessor, or any other person attempted to deprive him of the possession of it, he was to be punished by fine and imprisonment.

These bills were passed. The former very far outstrips the provisions of the English *Income Tax*. It is more of an inquisitorial nature, and ten thousand times more injurious to enterprize and industry.

The latter was called the *scrambling law*. Never was robbery before openly countenanced by legislative

lative provisions. To "snatch" a man's money, is so vile and dishonourable a species of robbery, that to suppose the people capable of it, was to brand them for a set of villains.

BOARD OF COMMISSIONERS.

THE Commissioners, who were appointed on the part of His Britannic Majesty, to form part of the Board, which assembled at Philadelphia, in 1797, returned to Europe in the spring of 1800, without effecting any part of the business, which they were sent to effect.

Before I state the circumstances, which prevented them from doing this, I shall insert an article or two, which will explain the origin of the dispute which these Commissioners were appointed to adjust.

In the treaty of peace of 1783, Great Britain stipulated to give up certain posts which she then held on the Western frontier of the now United States. She did not give them up, and the cause of this is explained in the following abstract of a letter from Lord Carmarthen, dated the 28th of February, 1786, to Mr. Adams, who was then American Ambassador in England.

"That when America shall manifest a real determination to fulfil her part of the treaty, Great-Britain will not hesitate to prove her sincerity, to co-operate, in whatever points depend on her, to carry every article of it into full and complete effect.

"The grievances complained of by merchants and other British subjects, having estates, property, and debts due to them in the several states, are as follow:

"Massachusett's Bay. The act passed the third of November, 1784, suspending the payment of interest.

"New-York. The act of the 12th of July, 1782, by which British creditors are precluded from the claim of interest before the first of January, 1786, for debts contracted prior to the first of January, 1783, and executions on the principal are forbidden to be levied until the expiration of three years after the evacuation of New York.

"The act of the seventeenth of March, 1783, confirmed by others in 1784 and 1785, &c.

"Pennsylvania. The law passed soon after the peace, to restrain the recovery of British debts for a given period.

"Maryland. The act of October, 1780, allowing British debts to be paid into the Treasury; and that no provision is since made for it. The sum paid in is £144,574 9s. 4½d.

"Virginia. By an edict of the governor, of the second of July, 1783, all British agents and factors who had arrived in that state, were ordered to depart the same; which restriction was removed by the legislature in November following, and the British agents and factors were permitted to return. By an act of October, 1784, all British debts are to be paid by seven equal payments; the first to be made the first of April, 1786, and so on annually. That no interest shall be allowed to British subjects between the nineteenth of April, 1775, and the third of March, 1783, the said time to be considered as one day. That no settlement made by bond or other specialty, shall bear interest. This act passed the house of delegates and senate, but did not at the same time receive all the formalities; therefore, it is doubtful whether it exists as a law. The sum paid into the treasury, on account of British creditors, £273,554 13s. 7d.

"North

"North Carolina. Some acts of this state complained of, but not particularly mentioned.

"South Carolina. By an ordinance, passed the twenty-sixth of March, 1784, no suit shall be instituted for a debt previous to the twenty-sixth of February, 1782, until the first of January, 1785, when the interest only, which had accrued since January 1780, might be recovered; and on the first of January, 1786, one-fourth part of the principal, and all such interest as might be then due, and so on. By another act, of the twelfth of October, 1785, a debtor, during any period of a suit, is allowed to tender land, which, after being valued, the creditor is obliged to take at three-fourths of the valuation. These acts, and others, and the conduct of this state, are greatly complained of.

"Georgia. This state is charged with having passed laws and regulations similar to those of South Carolina, with the aggravated circumstance, that the judges from the bench have declared, that no suit shall be proceeded in, if brought by a British subject, while, on the contrary, they allow British subjects to be sued by their creditors.

"That no provision is made for the real property, confiscated and sold for public service, nor for money paid into the public treasury. His lordship observes, that most of the acts which interrupt and prevent the collection of British debts, in the preamble run thus: "Whereas, this state is determined to fulfil and carry into effect the treaty in all its parts," &c. Upon the whole, that a British merchant is in some states positively, in others virtually, prohibited by the legislature from recovering his property, which is a violation of the fourth article of the treaty of peace. In several of the states, judgment for interest for more than seven years, is actually suspended by law; whilst in others, although the courts appear to be open,

the lawyers are afraid to prosecute for British debts.

"Those creditors are deemed fortunate, who, upon giving up all claim to interest (which is equal to thirty, and, in some cases, to forty per cent.) can obtain security for the payment of the principal."

Upon receiving this letter from London, the old Congress, which was then in being, sent the following circular letter to the governors of the respective states.

"SIR,

"Our secretary for foreign affairs has transmitted to you copies of a letter to him from our minister at the court of London, of the fourth day of March, 1786, and of the papers mentioned to have been enclosed in it.

"We have deliberately and dispassionately examined and considered the several facts and matters urged by Britain as infractions of the treaty of peace on the part of America; *and we regret, that in some of the states, too little attention appears to have been paid to the public faith, pledged by that treaty.*

"Not only the obvious dictates of religion, morality, and national honour, but also the first principles of good policy, demand a candid and punctual compliance with engagements constitutionally and fairly made.

"Our national constitution having committed to us the management of the national concerns with foreign states and powers, it is our duty to take care that all the rights which they ought to enjoy, within our jurisdiction, by the laws of nations, and the faith of treaties, remain inviolate. And it is also our duty to provide that the essential interests and peace of the whole confederacy be

not

not impaired or endanged by deviations from the line of public faith, into which any of its members may, from whatever cause, be unadvisedly drawn.

" Let it be remembered, that the thirteen independent sovereign states have, by express delegation of power, formed and vested in us a general, though limited sovereignty, for the general and national purposes specified in the confederation. In this sovereignty, they cannot severally participate (except by their delegates) nor with it have concurrent jurisdiction: for the ninth article of the confederation most expressly conveys to us the sole and exclusive right and power of determining on war and peace, and of entering into treaties and alliances, &c.

" When, therefore, a treaty is constitutionally made, ratified, and published by us, it immediately becomes binding on the whole nation, and superadded to the laws of the land, without the intervention or fiat of state legislatures. Treaties derive their obligation from being compacts between the sovereign of this, and the sovereign of another nation; whereas, laws or statutes derive their force from being acts of a legislature, competent to the passing of them.

" Hence it is clear, that treaties must be implicitly received and observed by every member of the nation; for, as state legislatures are not competent to the making of such compacts or treaties, so neither are they competent in that capacity authoritatively to decide on, or ascertain the construction and sense of them. When doubts arise respecting the construction of state laws, it is not unusual nor improper for the state legislatures, by explanatory or declaratory acts, to remove those doubts; but the case between laws and compacts or treaties, is, in this, widely different; for, when

doubts

doubts arise respecting the sense and meaning of a treaty, they are so far from being cognizable by a state legislature, that the United States in Congress assembled have no authority to settle and determine them. For, as the legislature only, which constitutionally passes a law, has power to revise and amend it; so the sovereigns only, who are parties to the treaty, have power by mutual consent and posterior articles, to correct or explain it.

"In cases between individuals, all doubts respecting the meaning of a treaty, like all doubts respecting the meaning of a law, are, in the first instance, mere judicial questions, and are to be heard and decided in the courts of justice having cognizance of the causes in which they arise, and whose duty it is to determine them according to the rules and maxims established by the laws of nations for the interpretation of treaties. From these principles, it follows, of necessary consequence, that no individual state has a right, by legislative acts to decide and point out the sense in which their particular citizens and courts shall understand this or that article of a treaty.

"It is evident, that a contrary doctrine would not only militate against the common and established maxims and ideas relative to this subject, but would prove no less ludicrous in practice than it is irrational in theory; for, in that case, the same article of the same treaty might by law be made to mean one thing in New-Hampshire, and another in New-York, and neither the one nor the other of them in Georgia.

"How far such legislative acts would be valid and obligatory, even within the limits of the state passing them, is a question which we hope never to have occasion to discuss. Certain, however, it is, that such acts cannot bind either of the contracting

tracting sovereigns, and consequently cannot be obligatory on their respective nations.

But if treaties, and every article in them, be (as they are and ought to be) binding on the whole nation—if individual states have no right to accept some articles, and reject others—and if the impropriety of state acts to interpret and decide the sense and construction of them, be apparent—still more manifest must be the impropriety of state acts to control, delay, or modify the operation and execution of these national compacts.

" When it is considered, that the several states, assembled by their delegates in Congress, have express power to form treaties—surely the treaties so formed, are not afterwards to be subject to such alterations as this or that legislature may think expedient to make; and that too without the consent of either of the parties to it—that is, in the present case, without the consent of all the United States, who, collectively, are parties to this treaty on the one side, and His Britannic Majesty on the other. Were the legislatures to possess and to exercise such power, we should soon be involved, as a nation, in anarchy and confusion at home, and in disputes which would probably terminate in hostilities and war with the nations with whom we have formed treaties. Instances would then be frequent of treaties fully executed in one state, and only partly executed in another; and of the same article being executed in one manner in one state, and in a different manner, or not at all, in another state. History furnishes no precedent of such liberties being taken with treaties, under form of law, in any nation.

" Contracts between nations, like contracts between individuals, should be faithfully executed, even though the sword in the one case, and the law in the other, did not compel it. Honest nations,

like

like honest men, require no constraint to do justice; and though impunity and the necessity of affairs may sometimes afford temptation to pare down contracts to the measure of convenience; yet it is never done, but at the expense of that esteem, and confidence, and credit, which are of infinitely more worth than all the momentary advantages which such expedients can extort.

"But although contracting nations cannot, like individuals, avail themselves of courts of justice to compel performance of contracts, yet an appeal to heaven, and to arms, is always in their power, and often in their inclination.

"But it is their duty to take care that they never lead their people to make and support such appeals, unless the sincerity and propriety of their conduct afford them good reason to rely with confidence on the justice and protection of heaven.

"Thus much we think it useful to observe in order to explain the principles on which we have unanimously come to the following resolutions, *viz.*

"Resolved, That the legislatures of the several "states cannot, of right, pass any act or acts, for "interpreting, explaining, or construing a na- "tional treaty, or any part or clause of it; nor for "restraining, limiting, or in any manner impeding, "retarding, or counteracting the operation of the "same: for that on being constitutionally made, "ratified and published, they become, in virtue "of the confederation, part of the law of the "land; and are not only independent of the will "and power of such legislatures, but also binding "and obligatory on them."

"As the treaty of peace, so far as it respects matters and things provided for in it, is a law to the United States, which cannot, by all or any of

of them, be altered or changed; all state acts, establishing provisions relative to the same objects, which are incompatible with it, must, in every point of view, be improper. *Such acts do nevertheless exist.* But we do not think it necessary either to enumerate them particularly, or to make them severally the subjects of discussion. It appears to us sufficient, to observe and insist, that the treaty ought to have free course in its operation and execution, and that all obstacles, interposed by state acts, be removed. We mean to act with the most scrupulous regard to justice, and candour towards Great Britain, and with an equal degree of delicacy, moderation, and decision, towards the states which have given occasion to these discussions.

"For these reasons, we have in general terms "*resolved, that all such acts, or parts of acts, as may be now existing in any of the states, repugnant to the treaty of peace, ought to be forthwith repealed; as well to prevent their continuing to be regarded as violations of that treaty, as to avoid the disagreeable necessity there might otherwise be, of raising and discussing questions, touching their validity and obligation.*"

"Although this resolution applies strictly only to such of the states as have passed the exceptionable acts alluded to; yet, to obviate all future disputes and questions, as well as to remove those which now exist, we think it best, that every state without exception, should pass a law on the subject. We have therefore "resolved, that it be recommended to the several states, to make such repeal, rather by describing than reciting the said acts; and, for that purpose, to pass an act, declaring, in general terms, that all such acts, and parts of acts, repugnant to the treaty of peace, between the United States and his Britannic Majesty, or any article thereof,

thereof, shall be, and thereby are repealed; and, that the courts of law and equity, in all cases and questions cognizable by them respectively, and arising from or touching the said treaty, shall decide and judge according to the true intent and meaning of the same; any thing in the said acts, or parts of acts, to the contrary thereof notwithstanding."

"Such laws would answer every purpose, and be easily formed. The more they were of the like tenor, throughout the states, the better. They might each recite,

"Whereas, certain laws, or statutes, made and passed in some of the United States, are regarded and complained of, as repugnant to the treaty of peace with Great Britain, by reason whereof, not only the good faith of the United States, pledged by that treaty, has been drawn into question, but their essential interests, under that treaty, greatly affected: and, whereas, justice to Great Britain, as well as a regard to the honour and interests of the United States, require that the said treaty be faithfully executed, and that all obstacles thereto, and particularly such as do, or may be construed to proceed from the laws of this state, be effectually removed: therefore, be it enacted by

and it is hereby enacted by the authority of the same, that such of the acts, or parts of acts, of the legislature of this state, as are repugnant to the treaty of peace between the United States and his Britannic Majesty, or any article thereof, shall be, and hereby are repealed: and further, that the courts of law and equity, within this state, be and they hereby are directed and required, in all causes and questions cognizable by them respectively, and arising from or touching the said treaty, to decide and adjudge according to the tenor, true intent, and meaning of the same, any thing in the said

acts,

acts, or parts of acts, to the contrary thereof, in any wise notwithstanding."

"Such a general law would, we think, be preferable to one that should minutely enumerate the acts and clauses intended to be repealed, because omissions might accidentally be made in the enumeration, or questions might arise, and perhaps not be satisfactorily determined, respecting particular acts or clauses, about which contrary opinions may be entertained. By repealing in general terms, all acts and clauses repugnant to the treaty, the business will be turned over to its proper department, viz. the judicial: and the courts of law will have no difficulty in deciding whether any particular act or clause is, or is not contrary to the treaty. Besides, when it is considered, that the judges in general, are men of character and learning, and feel, as well as know, the obligations of office, and the value of reputation; there is no reason to doubt that their conduct and judgment relative to these, as well as other judicial matters, will be wise and upright.

"Be pleased, Sir, to lay this letter before the legislature of your state, without delay. We flatter ourselves, they will concur with us in opinion, that candour and justice are as necessary to true policy, as they are to sound morality, and that the most honourable way of delivering ourselves from the embarrassment of mistakes, *is fairly to correct and amend them.* It certainly is time, that all doubts respecting the public faith be removed, and that all questions and differences between us and Great Britain, be amicably and finally settled. The states are informed of the reasons why his Britannic Majesty still continues to occupy the frontier posts, which by the treaty he agreed to evacuate; *and we have the strongest assurances, an exact compliance with the treaty on our part, shall be followed by a punctual*

punctual performance of it on the part of Great Britain.

" It is important, that the several legislatures should, as soon as possible, take these matters into consideration; and we request the favour of you, to transmit to us, an authenticated copy of such acts and proceedings of the legislature of your state, as may take place on the subject, and in pursuance of this letter.

" By order of Congress,

" A. ST. CLAIR, President."

" *New-York, April,* 1797."

" *To his Excellency*————————,
Governor of the State of————————."

This remonstrance, in which the Congress confesses, that the treaty had not been fulfilled, on the part of the United States, produced no effect; and the matter remained in this unsettled state, till the year 1794, when MR. JAY was sent to London, and when a new treaty was made.

I cannot find a better continuation of the history of this dispute, than the review of a pamphlet, entitled,

" *A Brief Statement of Opinions, given in the Board of Commissioners, under the Sixth Article of the Treaty of Amity, Commerce, and Navigation, with Great Britain,* Written by MR. M'DONALD, one of the Commissioners, and published at Philadelphia, previous to his departure for England. The Review is taken from the Anti-Jacobin.

" As

"As an almost total ignorance appears to prevail in England, respecting the American Board of Commissioners, and the object of their appointment, we shall preface our extracts from the "Brief Statement," by a repetition of our account of those translations, which led to the formation of the Board.

"By the fourth article of the treaty of peace, between Great Britain and America, concluded at Paris, on the 3d of September 1783, 'It is agreed, that the creditors on either side shall meet with no lawful impediment, to the recovery of the full value in sterling money, of all *bonâ fide* debts heretofore contracted.'

"Notwithstanding this positive engagement, on the part of the Americans, to remove every legal impediment, to the recovery of British debts, all such impediments were suffered to remain in full force. The creditors made repeated efforts to enforce their lawful claims, but uniformly failed, as well in the Courts of the United States, or *Federal Courts*, as in the courts of each particular state. The laws which constituted the impediments, remained unrepealed; the laconic plea of '*British debt*' was deemed sufficient, even to deprive the plaintiff of the benefit of a trial; and, to such an excess was this systematic evasion of justice, this profligate violation of treaty carried, that the Grand Jury, in the High *Federal Court*, in the district of Virginia, did not blush to present, (on the 23d of May, 1794) '*as a national* GRIEVANCE, *the recovery of such debts by British subjects.*'

"It was farther agreed, by the same treaty, that his Britannic Majesty should give up certain fortresses, on the frontiers of Canada, to the United States; but the constant violation of the terms of that treaty by the latter, rendered it a matter of prudence, on the part of his Majesty, to retain these forts, until such time as the American govern-

ment should shew a disposition to fulfil their part of the treaty, by complying with the positive stipulations of the fourth article. In this unsettled state, did things remain, until the month of November 1794, when his Majesty concluded a treaty of amity, commerce, and navigation, with the United States, one object of which was the final settlement of those claims which had been so long and so unjustly evaded. The means devised for this purpose were certainly such as, had the Americans acted honestly and uprightly, must have proved effectual, in removing every ground of complaint.

"His Majesty, ever sincere and honourable himself, demonstrated his perfect confidence in the national honour of the United States, by agreeing to give up, within a *certain* time, (an agreement which he has faithfully and punctually fulfilled) all the posts which had been withholden for the purpose before specified; while, in return, he received what was deemed a perfect security for the debts due from the Americans to his subjects; viz. the solemn, absolute, and unconditional stipulation, on the part of the United States, that mutual Commissioners, or *the majority of them*, should make an award; and that their award should be "in all cases, final, conclusive, and binding on the said States."

"But, that our readers may clearly understand the subsequent matter, it will be proper for us to commence our extracts with the *sixth article* of the treaty of 1794, under which the Commissioners were to assemble, and according to which their proceedings and determinations were to be regulated.

"Art. *Sixth*. "Whereas, it is alleged by divers British merchants, and others His Majesty's subjects, that debts to a considerable amount, which were *bonâ fide* contracted before the peace, still remain owing to them by citizens or inhabitants of the United

United States, and that by the operation of various lawful impediments, since the peace, not only the full recovery of the said debts has been delayed, but also the value and security thereof, have been, in several instances, impaired and lessened; so that by the ordinary course of judicial proceedings, the British creditors cannot now obtain, and actually have and receive full and adequate compensation for the losses and damages which they have thereby sustained: it is agreed, that in all such cases, where full compensation for such losses and damages cannot, for whatever reason, be actually obtained, had and received by the said creditors, in the ordinary course of justice, the United States will make full and complete compensation for the same, to the said creditors; but, it is distinctly understood, that this provision is to extend to such losses only as have been occasioned by the lawful impediments aforesaid; and is not to extend to losses occasioned by such insolvency of the debtors, or other causes, as would equally have operated to produce such loss, if the said impediments had not existed; nor to such losses or damages as have been occasioned by the manifest delay or negligence, or wilful omission of the claimant.

"For the purpose of ascertaining the amount of any such losses and damages, *five* Commissioners shall be appointed, and authorized to meet and act in manner following, viz. two of them shall be appointed by His Majesty, two of them by the President of the United States, by and with the advice and consent of the Senate thereof, and the fifth by the unanimous voice of the other four; and if they should not agree in such choice, then the Commissioners named, by the two parties, shall respectively propose one person, and of the two names so proposed, one shall be drawn by lot, in the presence of the four original Commissioners. When the

five Commissioners thus appointed shall first meet, they shall, before they proceed to act, respectively take the following oath or affirmation, in the presence of each other; which oath, or affirmation being so taken, and duly attested, shall be entered on the record of their proceedings, viz. I, *A. B.*, one of the Commissioners appointed in pursuance of the sixth article of the treaty of amity, commerce, and navigation, between His Britannic Majesty and the United States of America, do solemnly swear (or affirm) that I will honestly, diligently, impartially, and carefully examine, and to the best of my judgment, according to justice and equity, *decide* all such complaints, as under the said article shall be preferred to the said Commissioners; and that I will forbear to act as a Commissioner, in any case in which I may be personally interested.

"*Three* of the said Commissioners shall constitute a Board, and shall have power to do any act appertaining to the said commission, provided that one of the Commissioners named on each side, and the fifth Commissioner shall be present, *and all decisions shall be made by the majority of the voices of the Commissioners then present*, eighteen months from the day on which the said Commissioners shall form a Board, and be ready to proceed to business, are assigned for receiving complaints and applications; but they are nevertheless authorized, in any particular cases in which it shall appear to them to be reasonable and just, to extend the said term of eighteen months, for any term not exceeding six months, after the expiration thereof. The said Commissioners shall first meet at Philadelphia, but they shall have power to adjourn from place to place, as they shall see cause.

"The said Commissioners, in examining the complaints and applications so preferred to them, are empowered and required, in pursuance of the true intent

intent and meaning of this article, to take into their consideration all claims, whether of principal or interest, or balances of principal and interest, and to determine the same respectively, according to the merits of the several cases, due regard being had to all the circumstances thereof, and as equity and justice shall appear to them to require. And the said Commissioners shall have power to examine all such persons as shall come before them, on oath or affirmation touching the premises; and also to receive in evidence according as they may think most consistent with equity and justice, all written depositions, or books, or papers, or copies, or extracts thereof; every such deposition, book, or paper, or copy, or extract, being duly authenticated, either according to the legal forms now respectively existing in the two countries, or in such other manner as the said Commissioners shall see cause to require or allow.

" *The award of the said Commissioners, or of any three of them, as aforesaid, shall in all cases be final and conclusive, both as to the justice of the claim, and to the amount of the sum to be paid to the creditor or claimant:* And the United States undertake to cause the sum so awarded to be paid in specie to such creditor or claimant without deduction; and at such time or times, and at such place or places as shall be awarded by the said Commissioners; and on condition of such releases or assignments to be given by the creditor or claimant, as by the said Commissioners may be directed; provided always that no such payment shall be fixed by the said Commissioners to take place sooner than twelve months from the day of the exchange of the ratifications of this treaty."

" Agreeably to the stipulations of this article, the *four* Commissioners met at Philadelphia, on the 25th of May, 1797. Mr. *Thomas M'Donald*,

a gentleman of family and of high reputation at the bar, and Mr. *Henry Pye Rich*, an eminent merchant, were the Commissioners appointed on the part of His Britannic Majesty; Mr. *Thomas Fitzsimons*, a merchant of Philadelphia, and Mr. *James Innes*, a planter and lawyer of Virginia, a gentleman of fortune and of strict honour, were appointed on the part of the United States. These gentlemen having assembled, and verified their powers, proceeded to the choice of the *fifth* Commissioner, who, as was provided by the article of the treaty above quoted, was to be chosen by *lot*. The name of Mr. *John Guillemard*, a gentleman of unexceptionable character, was put into the urn by the British Commissioners; those of the United States put in that of Mr. *Fisher Ames*, an able lawyer and most worthy gentleman of Massachusetts. The lot fell upon Mr. Guillemard; of course, Mr. Ames was excluded.

"The Board, thus formed, was now ready to proceed to business; but, as the space of two years was allowed for creditors to give in their claims, the inconceivable tardiness of these people gave the Board but little occupation till the term allowed by the treaty was nearly expired. During this season of inactivity, Mr. Innes ("than whom," says Mr. M'Donald, "a man more truly honourable never existed") Mr. Innes, unfortunately, died. His loss would not, however, have been so much felt, had the American government appointed Mr. Ames to succeed him, and *why he was not* appointed can be accounted for only by the total change of *policy*, which that government had thought fit to adopt. To Mr. Fitzsimons, the remaining American Commissioner, was now joined Mr. *Samuel Sitgreaves*, a lawyer of Pennsylvania. With respect to the private character, the *morality* and *religion*, of these gentlemen, we shall say nothing *at present*, re-

reserving to ourselves, however, the full liberty of making use of our information on these subjects, if the intolerable insolence of the American press should provoke us to an abandonment of that forbearance which we have hitherto thought it not unbecoming our character to exercise.

"The publication now under our perusal being what, indeed, it professes to be, no more than a "*brief statement of opinions*," given in the "Board of Commissioners," it would be next to impossible for us, by any analysis, or selection of extracts, to communicate that information to our readers, which we wish them to be possessed of; particularly as each opinion refers to numerous facts and documents, the nature and purport of which do not here admit of a statement. We shall, however, endeavour to render our arrangement as perspicuous as possible, hoping that the pamphlet itself, as well as every document relating to this striking instance of American duplicity, will, 'ere long, be submitted to the public.

"It appears, that after Mr. Sitgreaves joined the Board, a system of quibble and procrastination was begun, and persevered in, by the American Commissioners, who, unable to inveigle, intimidate, or weary the *majority* of the board, at last fell upon the disgraceful expedient of *secession*, thereby furnishing their government (under whose positive direction, with shame be it said, they acted this shuffling part) with an excuse for its non fulfilment of the treaty.

"Before we enter on the grounds upon which this secession was attempted to be justified, it may be necessary for us to observe, that, besides a secretary to the Board, there was a *General Agent*, who preferred the claims and supported them by evidence and argument, while, on the other hand, they were examined, and afterwards replied to,

by *an Agent*, on the part of the United States, acting under the instructions of the Attorney-General. So that, the Commissioners were regarded (and they *ought* to have regarded themselves) as sworn *judges*, or *arbitrators*, perfectly independent of the parties, and perfectly unconcerned as to the *consequences* of the decisions. That this was the dignified light in which the majority of the Board viewed their official characters appears from the following extract, which also proves, that the American Commissiorers, notwithstanding their *oath* (see sixth article of the treaty above quoted) were content to be looked upon as the mere *advocates* of their government.

" The American Commissioners having, in conference, continued their support of the position, which, in the case of *Inglis*, they had distinctly and formally declared, that, when they could not in any other way prevent a decision, by the majority against what *they* (the American Commissioners) conceived to be just *rights and interests of the United States, they* were entitled, and even bound *in duty*, to secede, or withdraw from the Board for that purpose; the three other members, *who held a very different opinion*, thought they could not place their view of the subject in a clearer light, than that which was presented by the following resolution:

" Resolved, That it is expedient to declare, that " the Commissioners appointed by His Britannic " Majesty are equally charged with the rights of " the United States under the treaty of amity, " as with those of Great Britain, or of British sub- " jects, claiming before this Board; and that the " Commi sioners appointed by the United States, " are in like manner equally charged with the " rights of Great Britain, and of British subjects " so claiming, as with those of the United States:

—that

"—that there is no distinction whatever of cha-
"racter or duty among the members of the Board;
"but that each of the five members thereof is
"*an arbitrator upon oath*, to proceed diligently and
"decide all questions, whether of interpretations
"or of fact, with perfect impartiality; and with-
"out any regard to his original appointment, or
"the manner in which the opinion he is bound in
"conscience to give, may affect the interest of the
"parties concerned."

"This declaration was proposed by three members of the Board, and so recorded; but Mr. Fitzsimons and Mr. Sitgreaves, thinking it their duty to prevent it from being passed by a vote, *again seceded, or withdrew*." P. 24.

"We now proceed to the pretended grounds of secession.—The first subterfuge of the American Commissioners was intended to procure *delay*; delay almost *everlasting*. The majority of the Board were of opinion, that certain *leading* claims should be first determined on. The number of claims was very great; of course, if the *principles* had been discussed anew, in the investigation of every claim, the discussion would have occupied the space of many years; perhaps *fifty*, at least. The majority, therefore, insisted upon hearing certain claims, which seemed to comprise all the principles of any importance, and upon making the decision upon each point a precedent in the subsequent discussions. This was strenuously resisted by the American Commissioners, to whose government delay was *certain gain*, and formed one of their excuses for seceding.

"Next, the American Commissioners would agree to no resolution in which *interest during the war* should be allowed; alleging (just as the fraudulent debtors themselves had done) that the creditors ought to receive no interest during that time,

time, because it was Great Britain's making war on their country, which induced them to withhold the timely payments of their debts. So that, if a portion of any nation choose to rebel against their Sovereign, that Sovereign, in attempting to reduce them to obedience, commits an *offence*, which is to authorize them to retaliate by withholding the debts due to his faithful subjects! On this head, the majority of the Board thus expressed themselves:

"But the Board, on full argument, resolved "*(Mr. Fitzsimons and Mr. Sitgreaves dissenting)*, "That the war could not justify any such *general* "rule of deduction; and that interest ought to "be awarded, according to the nature and import, "express or implied, of the several contracts." And to prevent mistakes they afterwards resolved, "That in deciding against an objection to the pay- "ment of interest during the war, maintained *ge- "nerally*, and without regard to the nature and "import of the contract, express or implied, they "did not preclude, but necessarily saved all objec- "tions to the payment of interest, which may "arise out of the contract, or other special cir- "cumstances of the case."

"Mr. M'Donald, in support of the correctness of his opinion, makes the following quotation from a decision of Judge Paterson, one of the present Judges of America:

"Judge PATERSON.—I feel no hesitation in declaring, that it has always appeared to me to be incompatible with the principles of justice and policy, that contracts entered into by individuals of different nations should be violated by their respective governments in consequence of national quarrels and hostilities. *National quarrels should not affect private bargains.* The confidence both of an individual and national nature on which the con-

contracts were founded, ought to be preserved inviolate. Is not this the language of honesty and honour? Does not the sentiment correspond with the sentiments of justice and the dictates of the moral sense? In short, is it not the result of right reason and natural equity? The relation which the parties stood in to each other, at the time of contracting these debts, ought not to pass without notice. The debts were contracted when the creditors and debtors were subjects of the same King, and children of the same family. They were made under the sanction of laws common to, and binding on, both. *A revolutionary war could not, like other wars,* be foreseen or calculated upon:—The thing was improbable:—No one, at the time the debts were contracted, had any idea of a severance or dismemberment of the empire, by which, persons who had been united under one system of civil polity should be torn asunder, and become enemies, for a time, and perhaps aliens for ever. Contracts entered into in such a state of things ought to be sacredly regarded.—Inviolability seems to be attached to them."—"The construction of a treaty made in favour of such creditors, and for the restoration and enforcement of pre-existing contracts ought to be liberal and benign:—For these reasons this clause in the treaty *deserves the utmost latitude of exposition.*

"The five thousand pounds paid *with interest,* at this day, is not, in fact, or law, more than the five thousand pounds, paid without interest, at the day it becomes due."

"Notwithstanding this, which, in any *other case,* the American Commissioners would have regarded as the highest possible authority, those gentlemen refused to give their sanction to the resolution of the majority, which they made another ground for withdrawing from the Board.

"It

" It will be perceived, that the sixth article of the treaty provides, that the United States shall make compensation for such losses only as have been occasioned by *lawful impediments*, and not such as may have arisen merely from *the insolvency of debtors*, or the *wilful negligence of creditors*. This, in the nature of *an exception* (as it is called in the treaty), threw, of course, the *onus probandi* on the United States. The claimant, having produced evidence of his debt, and also of the existence of the legal impediment to the recovery of it, left to the United States to prove, if they could, the insolvency of his debtor, or the wilful negligence of himself. This, the claimant thought, was dividing the proof fairly and naturally between the *plaintiff* and the *defendant*. He never could conceive, that he would be called on to prove a *negative*; to prove, that his creditor was not, twenty years ago, insolvent, would have been attended with great difficulty; but to prove that *himself had not been negligent* was next to impossible. Thus, it appears, thought also the majority of the Board.

" The Board, finding that the proceedings in the case would thus be suspended, on the question of *onus probandi*, which they had before settled by the resolution of the 6th of August, 1798, in the case of William Cunningham and Company, referred to that resolution, and resolved *(Mr. Fitzsimons and Mr. Sitgreaves dissenting)*, That whatever in law, " or the settled course of judicial " practice, prevented the claimant from *proceeding* " for the recovery of his debt, was to be deemed " a lawful impediment which *prevented* such reco- " very; consequently, the loss arising from his " not recovering, was, in the *first instance*, to be " ascribed to the operation of the said lawful im- " pediment;—so that it was not incumbent on the

" claimant

" claimant to prove the solvency, or capacity of " the debtor, to satisfy the creditor at or since the " peace; but open to the United States, to meet " the *prima facie* evidence, already stated, by " reasonable evidence to the contrary."

" And to prevent misapprehension, they thought it expedient to express themselves on this occasion, as follows:—" And although the Board are to be " determined by principles of sound reason and " justice, and not to be affected by suggestions of " hardship or difficulty, yet desirous as they are, " in this great national business, to discharge their " duty in a manner which may be as generally sa- " tisfactory as the natural prejudices of parties in- " terested will permit, they think it not improper, " in consideration of the earnest opposition which " was made in the Board to the above recited re- " solution, in the case of Cunningham and Com- " pany, on the ground that it never could have " been intended, to impose so great a *hardship* on " the United States; to suggest the reflection, " that it cannot prove a task of greater difficulty " to the United States, with all the means of in- " quiry and information which they possess, and " under their responsibility of indemnifying against " lawful impediments to the recovery of just debts; " to satisfy this Board, on sufficient evidence of " what must, in many instances, have been, and " still may be, matter of great notoriety, *viz.* that " at a certain period, a debtor was in such a situa- " tion, *that, according to reasonable inference,* he " could not have raised money, or procured secu- " rity, for the payment of a certain debt; although " the full force of legal execution had been brought " against him; than it would be to a *foreign* cre- " ditor, perhaps the representative only of him " who made the contract, and totally unacquainted " with the former situation of the debtor, to bring

" evidence

" evidence of the reverse;—the facts and circum-
" stances necessary to establish the latter proposi-
" tion, being in their nature, at least as much af-
" fected by the long lapse of time since the peace,
" when every lawful impediment to the full reco-
" very of the debts in question, ought to have
" been removed, as those, by which the former
" may be substantiated; and such lapse of time so
" impairing the means of evidence, being the just
" cause of complaint, not to the United States,
" but to *creditors only*, wherever the delay appears
" to have arisen, from the operation of lawful im-
" pediments to the full recovery of debts, fairly
" contracted before the peace, and protected
" against such impediments by the fourth article
" of the definitive treaty."

" This resolution also, so explicit and so reason-able, so perfectly consonant to the principles of equity and to the practice of law, the American Commissioners eluded by their last shift, secession.

" The next apology for *secession*, and the last that we shall mention at this time, discovers, per-haps, a more complete disregard of justice and de-cency than any of the former.

" The claimant, Mr. Allen, was a Pennsylva-nian. He left the territory of that state the mo-ment independence was declared. The assembly passed an act of attainder against him, *two years after* he had taken shelter under the arms of his Sovereign, by which act all his real property was confiscated, and he was prevented from recovering certain *bonâ fide debts*, due to him before the war. If ever man had a just claim to any thing, this gentleman had to these debts, according to the treaties. The objection set up by the United States, was, that Mr. Allen, at the time the act was passed, was *a citizen of Pennsylvania*, though, as we observed before, the act was not passed till

two

two years after he had left the state, and had actually taken refuge under the arms of the King. This fact was well established; it was also proved, that no act or deed could be imputed to him, whereby he ever, either directly or indirectly, acknowledged allegiance to the rebel state: yet, had the American Commissioners the effrontery to prefer to this evidence, the bare assertion, not of any person or persons, but of that very act of attainder, which created the legal impediment, on which the claim was so justly founded! This was literally producing the evidence of a robber to prove that the person he had robbed ought not to deprive him of the property he had stolen. Our readers will readily believe that the majority of the Board rejected, with disdain, such *evidence* as this. The American Commissioners did, however, persist in their opposition, declaring, that they would never *allow the evidence of their legislative acts to be called in question!* This was a sweeping maxim, a sponge for the whole score; for there was scarcely a single debt, the legal impediment to the recovery of which was not *some legislative act.* We shall now quote Mr. M'Donald's *statement* of the opinion of the majority of the Board on this subject.

"Claim, for losses, arising from the non-recovery of debts due to the claimant, being *a subject of His Britannic Majesty*, through the operation of an act of attainder and confiscation, passed against him *as a subject of Pennsylvania*, by "the repre-"sentatives of the freemen of the commonwealth "of Pennsylvania," on the 6th day of March, 1778; for the crime of *high treason*, in having, "contrary to the allegiance which he owed to the "said state, joined and adhered to the army of the "King of Great Britain," the said act of attainder and confiscation being a lawful impediment, which operated against the fourth article of the

treaty

treaty of peace, and within the meaning of the sixth article of the treaty of amity.

" Objection, stated on the part of the United States, as " *the first ground of defence*" before the Board ;—that, as the claimant was an inhabitant of the state of Pennsylvania at the date of the declaration of Independence, he was *a subject of that state* ; for that, " in fact, the United States were " independent so early as 1775, and, on the ever " glorious and memorable 4th of July, 1776, they " solemnly and formally declared to the world, " that they were independent :"——" that the " formal acknowledgment of his Britannic Majesty " added nothing to their real independence, and if " the treaty of peace had never been made, the " United States would have actually continued an " independent nation, though at war with Great " Britain to this moment."——And that, " though " Andrew Allen, after *being a subject of Pennsyl-* " *vania*, joined the British forces in December, " 1776, *and returned to his natural allegiance*, this " did not dissolve the right of Pennsylvania *to hold* " *him as a subject*, and as its subject to punish " him;"——concluding, that he was not entitled to the benefit of the fourth article of the treaty of peace, or sixth article of the treaty of amity.

" The Board finding that the objection, *in limine*, thus taken and argued before them, precluded all further investigation, took up the question so far only as it was necessary to the determination of the claimant's national character, and right to claim—And, after full argument and discussion, and with reference to opinions which had been solemnly delivered by the Judges of the United States, a majority of the Board proposed a resolution, stating, among other things, that " the " only difference between the question in this case, " and that which is stated in the preceding resolu-

" tion,

" tion, consisted in the different words of descrip-
" tion contained in the two several acts: but, as
" the act of the state of *Pennsylvania* could not
" have any greater effect or operation against the
" fourth article of the treaty of peace, than that of
" *New-York*; and as the fact charged to be a
" crime, viz. adherence to the cause of his Britan-
" nic Majesty, was the same in both cases, the
" mere *words* of description, assumed in the act of
" Pennsylvania, could not prove against the cha-
" racter of the party as a British subject, or give
" efficacy to itself, so as to take the case out of the
" meaning and operation of the said article;"—that
at the peace, there was no unconditional submis-
sion on the part of Great Britain, " *to all that had*
" *been done*" under the independence of the United
States, and the authority they had exercised; but,
" a recognition by solemn treaty, containing reci-
" procal stipulations, as the price of peace, and for
" the mutual benefit of both countries;" by the
fourth article whereof, in favour " of creditors on
" either side," it was expressly, or in effect, sti-
pulated, " that no act which had been, or should
" thereafter be done, or passed, by, or under the
" authority of the said United States, or any of
" them, whatever might be its form or import, what-
" ever the terms therein employed, whatever the ex-
" tent of power thereby assumed, or declared, what-
" ever the character *thereby* ascribed to the individual
" against whom it was directed, should be suffered
" to operate as a lawful impediment to the recovery
" of debts, 'theretofore contracted,' to a creditor
" *on the side* of his Britannic Majesty, at the date
" of the said treaty"—concluding also in these
words—" that if the claimant could be said, to
" have at any time '*made his election*' in favour of
" the United States, under the declaration of In-
" dependence, and so departed for a time, subse-

" quent to that event, from his native allegiance " (the contrary of which appears to have been the " case) his return to, and having been *on the side* " of his said native allegiance *at the peace*, would " have secured to him the benefit of the said fourth " article of the treaty :—that accordingly, having " been *on the side* of his Britannic Majesty at the " date of the treaty of peace, and being a natural " born subject of his said Majesty, not barred by " the acceptance of citizenship, from the right of " complaining against the United States, the " claimant is entitled, under the treaty of amity, " to complain to this Board of the said act of at- " tainder and confiscation before recited, as being " a *lawful impediment* within the description of the " fourth article of the treaty of peace, and the sixth " article of the treaty of amity, to the recovery of " such debts as he shall prove, to the satisfaction " of the Board, within the meaning of the said " treaties."

" Our readers will also observe, that the claimant produced abundant proof, that persons, who left the state of Pennsylvania long *after* he left it, and who had been attainted in like manner, had been tried, in courts of Pennsylvania, for treason, and had been *acquitted*, notwithstanding the *evidence* of the act of attainder, on the ground of their being *British subjects*, and *not citizens of the State*. It was, indeed, notorious, that this act of attainder had long been universally exploded as a tissue of abominable falsehoods, and it was only resorted to as evidence on this occasion, because no other more plausible subterfuge was to be found.

" It appears that a great number of claims were *rejected*, and always with the cordial concurrence of American Commissioners. In one solitary instance they did also give their assent to a *favourable* and final award ! ! ! The claim amounted, indeed,

to

to no more than the trifling sum of 370l.; but, no matter, an award was made, and Mr. M'Donald shall now inform us of the curious evasion, by which the honest *government* undid what their *too liberal* Commissioners had done.

"The Board having unanimously agreed, as already stated, that an award should be given in favour of the claimants, and of course that the case was within the description of the treaty, an order was made on the General Agent for claimants, to make up an account of the debt; and on the Agent for the United States, to prepare the draft for such an *assignment* of the debt, as he would propose to have executed in their favour.

"The Attorney-General having, however, thought it his duty to instruct the Agent for the United States, *not to comply with the order*; insisting, that he was not *bound* to make such drafts; the Board, who had made that arrangement on the principle that the agent of the party, for whose benefit a deed was to be executed, should prepare the draft; and for the purpose also of preventing little controversies, or objections, which might otherwise be stated to any draft that could be proposed, were afterwards induced, (though against their opinion of propriety) to order the General Agent for claimants to make the draft.—A draft was accordingly made by him,—*it was objected to by the Agent for the United States*;—the award was thereby delayed; and while the whole Board still concurred in the opinion, that the claimants should have an award, *none in fact was ever given.*

"And thus, after having exhausted the sources of quibbling and procrastination, after seceding and returning, and seceding and returning again, for twenty times; after *rejecting* claim upon claim, *without completing a single award*, the American

Commissioners seceded for the last time in the month of July, 1799, just at the time that their government had received fresh assurances of *the friendly disposition of France!*—We now call the attention of our readers to the termination of this scandalous transaction.

"There were other opinions which a majority of the Board had often occasion to declare; such as did not specially rise out of any particular case, but were essential to the execution of the article, and may therefore be here in like manner concisely stated.

"They held, that those acts of secession, which had been practised in particular cases, could not affect the validity or operation of the opinions which they were meant to defeat: for the very act of secession implied, what had indeed been formerly minuted, that those opinions were the opinions of the majority, which had been declared in a Board, completely constituted: and all that the subsequent secession of some of the members could effect, was but to prevent, what the treaty did not require, namely, the declaration of opinions, by the *formality of a vote:* that formality being the accustomed, but not the exclusive, *mode* of ascertaining the fact; which, if prevented by an evasive proceeding, might be supplied by the admission, or other evidence, that such had been the fact. They therefore held, that the opinions which had been declared, by a majority of the Board, were as much the opinions of the *Board*, under the express provisions of the article, as if the form of a vote had not been so prevented.

"They considered it as clear, that there was no room for *explanation*, when a majority of the Board had *no doubt:* that every such explanation would be an *alteration* of the treaty, which they had sworn to execute *as it stood*; that therefore, as soon

soon as the Commissioners had formed an opinion, they had no choice of proceeding, no power of compromise, no capacity to receive, or to act upon *instructions*, in opposition to what *they* themselves conceived to be the *plain* meaning of the instrument before them.

" The general views, with which the two nations had settled the article, seemed to them to be very apparent. With a view to particular cases, the object was the dispensation of *justice*, according to the special merits of every distinct case, either by an award of compensation, where the complaint of injury, from past delay, was well founded; or, by a conclusive rejection of the demand putting it to silence for ever, if it appeared to be groundless—and, in either case, *dispatch* was essential; a *dilatory cure for past delay*, being a mocker in terms, as well as in effect; and a *speedy* rejection of ill founded complaints, amounting to no more than strict justice to the rights and character of the party charged.—In a larger view, the object was, a termination by means, which neither of the two nations could control, of a complicated dispute between them, such as they could not themselves decide: a radical remedy for an old sore, which had long rankled in the hearts, and interrupted the confidential intercourse of many of the most valuable subjects of both.——In construing the article, a majority of the Board was, therefore, well convinced, that every opinion which tended to uncertainty, indecision, and delay, was most essentially erroneous; and every proceeding, which went to convert a solemn national arbitration, for the known and declared purpose of *final* settlement, into the worst species of protracted negotiation, was totally inadmissible under the treaty.

"A bare perusal of the article, every line of which anticipated the occurrence of difference of opinion; (unavoidable, as from the variety of involved matter to be settled, it certainly was);—which provided for it, not only in express terms, by declaring that the opinion of the *majority* should, '*in all cases*, both as to the *justice of the complaint*, and the amount of the sum to be paid, be final and conclusive;' but also by the structure and conformation of the Board, which was made to consist of an unequal number ofmembers (either five or three), for the very purpose of giving *certainty of decision*, in all cases whatsoever; in cases of division, as well as unanimity—was sufficient to prevent, as they conceived, the possibility of any serious apprehensions, that mere *difference of opinion* on any subject, whether it respected the *justice of the claim* within the meaning of the treaty, or the amount of the damages incurred, could be made a pretext for disappointing the whole spirit, as well as the letter of the article.

"They believed, that as neither of the two nations could be supposed capable of appointing men to the confidential situation of national arbitrators, to decide upon a subject so extensive and involved, and with powers so absolute, as to offer ample means of secret perversion and abuse; such as might be practised with so much plausibility of appearance, and *good agreement* among themselves, as to prevent detection, or even general censure; nay, perhaps, to attract applause:—as neither of the two nations were capable of appointing men to such a situation of important trust, without the recommendation of unblemished reputation, and competent ability, there was, in the characters of such men, and the assurance of an oath, the only guarantee for just and impartial determination, which

which the imperfect state of human affairs can afford.

"Finally, for themselves, they did certainly, without the consciousness of much arrogance, conceive, that opinions, which the parties had *invited*, and called upon them solemnly to declare upon oath, according to the best of their judgment, were, when so declared, to be received by those parties with respect, while they determined, by their conduct, and a fair disclosure of their principles, to disprove the surmise (which, if just, would have suggested a simple mode, for a dissatisfied party, to suspend, or invalidate, the decisions of every set of arbitrators, who could be chosen,) that because they had been unjustly reproached, and were therefore displeased, they could no longer be considered as capable of impartial deliberation.

"The last proceeding of the Board was the motion, which has been reported, in the case of Robert Williams, on the 17th of July.

"The Commissioners of his Britannic Majesty and the fifth Commissioner, attended, as usual, on the next day of sitting, when the Secretary delivered to them a letter from the two American Commissioners, dated the 19th of July, and addressed to the three other members of the Board, in which the American Commissioners declared a determination, "under the existing circumstances, "not to give their further attendance" in the Board, and promised to explain their motives in a future communication.

"And by another letter, dated the 22d of July, they assured the three other Commissioners, that they would, "without any avoidable delay," communicate the explanation they had promised.

"About six weeks after, viz. on the 3d of September, the three other Commissioners did ac-

cordingly receive a communication from the two American Commissioners, in a letter of fifty-five pages, dated on the preceding day, every line of which proved the great difficulty of the subject, even in the hands of men of ability. It referred to, and professed correctly to state, all the differences of opinion, which from first to last had occurred in the Board; ascribing the hardy measure they adopted, not to one, or a few of those differences, but equally to *all*. It was an argument of many words, which terminated at every period in this simple and conclusive point, that, under the sixth article of the treaty, no opinion in favour of a British subject was good, without the concurrence of the American Commissioners;—or, that by an unfortunate fatality (for no corrupt intention was ascribed to them) *all* the opinions which had been declared by the three other Commissioners, or any of them, *in favour of claimants*, were radically erroneous and bad; while those which they had declared *in favour of the United States*, were perfectly well founded.

"The three members of the Commission, who were thus, at once, deprived of all power of performing their functions, on grounds as now declared, and in a manner which admitted of little prospect of satisfactory adjustment, did not (as may perhaps have been expected) take their leave. They had no concern with national considerations; but many individuals were, in consequence of the rules and orders of the Board, either in attendance, or ready to appear, from very distant parts; and as the business was now, notwithsanding the various interruptions which had occurred, so far, in essential matters, advanced, it was desirable to preserve, at least, the *possibility* of meeting such a change of measures, as might enable them to bring it to a conclusion.

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" One of his Britannic Majesty's Commissioners, and the fifth Commissioner therefore remained; ready as by their attendance, they officially announced, at all times, to assist in the formation of a Board, for the dispatch of business. But they have never since been met by any Commissioner on the part of America."

The British Commissioners have returned to England, and the dispute, of which I shall say something at the close of this Volume, remains still unsettled, in May 1801.

DEFENCE OF THE QUAKERS OF PENNSYLVANIA.

THE following Letter to the Editor of the *Anti-Jacobin Review*, was written at New-York, in the month of May, 1800, though it was not delivered to the Editor till April, 1801.

SIR,

I TAKE up my pen to discharge a duty, which I ought to have discharged a long time ago.

Your Review for August 1798, page 137, contains a very serious charge against the Quakers in general, and *those of Pennsylvania in particular*. In your censure of the English Quakers, for refusing to contribute towards a fund, the avowed object of which was the defence of the kingdom against invasion, I heartily concur. I perfectly agree with you, that their alleged objection was a " pitiful subterfuge;" and the tenderness and generosity, which they voluntarily and eagerly displayed towards the French and Dutch prisoners of war (a circumstance that I wonder you never noticed),

ticed), but too clearly indicate the bias of their political inclinations and affections.

But, Sir, while I object to all the *particular* tenets of the Quakers, more especially those on which they ground their refusal to contribute towards the defence of the State and the maintenance of the Church; while I decidedly disapprove of the conduct of some, at least, of the *English* Quakers, during the present contest, and strongly suspect them of partiality for the levelling, the bloody, and blasphemous French, that justice, for which you have ever been a zealous and able advocate, calls upon me to defend the character of the Quakers of Pennsylvania, particularly with regard to the transaction to which your charge against them more immediately refers.

In speaking of that tenet (a ridiculous one I allow) which requires Quakers to bear testimony against *every species of fighting*, you ask, "whether they have uniformly adhered to the pacific tenor of their faith, by refraining, on all occasions, from the use of arms in open war?" And hereupon you state, that, "during the contest between "Great Britain and the Colonies, *the Quakers of* "*Pennsylvania actually bore arms against their* "*mother country*; and one of them, named Mif-"flin, attained the rank of General."

Give me leave, Sir, to communicate to you that information on this subject, which, had you been in possession of it in the year 1798, would, I am certain, have prevented the above statement from appearing in your valuable work.

Soon after the breaking out of the rebellion, (on the 20th of November, 1776,) the Quakers of Pennsylvania put forth a declaration of their principles, entitled, "*The ancient Testimony of the People called* QUAKERS *renewed, with respect to the King and Government, and touching the Commotions now*

now prevailing in these and other Parts of America; addressed to the People in general." In this declation, which was signed by John Pemberton, in the name of the whole Society, and published in the city of Philadelphia, the Quakers made the following unequivocal avowal of their attachment to the King and his Government:

"It hath been our judgment and principle, since we were called to profess the light of Christ Jesus, manifested in our consciences unto this day, that the setting up and putting down of Kings and Government is God's peculiar prerogative, for causes best known to himself: and that it is not our business to have any hand or contrivance therein; nor to be busy bodies above our station, much less to plot and contrive the ruin, or overturn any of them, but to pray for the King, and safety of the nation, and good of all men; that we may live a peaceable and quiet life, in all godliness and honesty, under the King and Government which it hath pleased God to set over us."—After disapproving of the inflammatory and seditious publications of the day, the declaration concludes by calling on the people of America, "firmly to unite in the abhorrence of all such writings and measures, as evince a desire and design to break off the happy connexion we have hitherto enjoyed with the kingdom of Great Britain, and our just and necessary subordination to the King, and those who are lawfully placed in authority under him."

Such, Sir, were the principles, openly professed and promulgated by the Quakers of Pennsylvania; how exactly they correspond with those of the Church of England need not be pointed out to you. Nor did the Quakers of Pennsylvania, like too many other societies that we have seen in the world, content themselves with a mere profession

of

of their principles: they adhered to them with unshaken constancy, through a long series of troubles, of hardships, of dangers, and of persecutions.

The declaration which I have quoted, failed not to excite against the Quakers the hatred and malice of the Whigs. Paine, who had just entered on that career, which has since rendered him so notorious, had the infamy to begin the attack. The Quakers, and their loyal declaration, form the subject of no small part of his several numbers of that abominable work called the *Crisis*, through the pages of which he ridiculed, traduced, and reproached them; till, at last, he had the audacity to mark them out as fit objects of punishment, in which he was, however, no more than the tool of Reid, Bryan, M'Kean, and other leading rebels of the day. An extract or two from the writings of this traitor will form a higher eulogium on the Quakers of Pennsylvania than any that I can pronounce.

"All we want to know in America is simply this, who is for Independence, and who is not? Those who are for it, will support it, and the remainder will undoubtedly see the reasonableness of their *paying the charges*; while those who oppose or seek to betray it, must expect the more rigid fate of *the gaol or the gibbet*. There is a bastard kind of generosity, which, by being extended to all men, is as fatal to society on one hand, as the want of true generosity is on the other. A lax manner of administering justice, falsely termed moderation, has a tendency both to dispirit public virtue, and promote the growth of public evils. Had the late COMMITTEE OF SAFETY taken cognizance of the declaration of the Quakers, and proceeded against such *delinquents* as were concerned therein, they would, probably, have prevented the *treasonable* plans which have been since concerted.

concerted. When one *villain* is suffered to escape, it encourages another to proceed. It has been a matter of general surprise, that no notice was taken of the *incendiary* publication of the Quakers of the 20th of November last; a publication evidently intended to promote *sedition* and *treason*, and to encourage the *enemy*."

This persuasive eloquence was soon followed by the effect, which the malignant wretch, who made use of it, intended it to produce. A memorial drawn up in the name of the Whigs of Philadelphia, and signed by a blood thirsty-printer, named Bradford, and others, was presented to a gang of revolutionary plunderers, denominated the COUNCIL OF SAFETY, calling for *justice* on the heads of those Quakers who were concerned in the declaration. This memorial, from which one would imagine, that Hebert, Marat, Prudhomme, and the other scribbling cutthroats of France, borrowed their invocations to pillage and massacre, concluded in these words: "We, therefore, request the Council of Safety to take into their consideration the paper signed *John Pemberton*; and, if it shall appear to them to be of a dangerous tendency, or of a treasonable nature, that they would commit the signer of it, together with such other persons as they can discover were concerned therein, into close custody, until such time as *some mode* of trial has ascertained the full degree of *their guilt and punishment*; in doing of which, the Council ought to disregard the man, his connexions, interests, riches, poverty, or principles of religion, and to *punish with the utmost rigour*."

On this profligate and sanguinary memorial Paine reasoned thus:—"The most cavilling Tory cannot accuse the memorial of containing the least ingredient of *persecution!* The free spirit, on which the American cause is founded, disdains to

mix

mix with such an impurity, and leaves it as rubbish, fit only for narrow and suspicious minds to grovel in. Had the Quakers minded their religion and their business, they might have lived through this dispute in enviable ease; but now their conduct comes as a matter of criminality before either the authority of the particular State in which it was acted, or of the Continent against which it operates. Every attempt to support the authority of the King of Great Britain over America, is *treason* against every State; therefore it is impossible that any one State can pardon, or screen from punishment, an offender against them all."

At the time this hardened villain was thus crying for the blood of the loyal Quakers, for opposing the measures of the Congress, nineteen-twentieths of the people of Pennsylvania were averse to those measures, and eagerly wished for a reconciliation with the mother country; but, as the rebel M'Kean observed at the time, the other twentieth had *the arms in their hands*. Those glittering minions, those play-acting generals and captains, who disgusted the Philadelphians by their dissolute manners, and by their shameful want of zeal in the service of their King, have studiously represented the people of Pennsylvania as being universally treacherous, and disaffected to the royal cause. Never did timidity and neglect of duty seek for shelter from a more vile and impudent misrepresentation. Had the residents in the county of Middlesex been as loyal as those in Pennsylvania, America would to this day have formed a part of the British empire.

But, to return to the Quakers. The poisonous doctrines of Paine were but slowly adopted by the Whigs. Plans of confiscation and murder were not to be, all at once, rendered popular, even amongst those who had dared to set up the standard

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of rebellion. Availing himself, however, of every circumstance favourable to the views of his base employers, he, by degrees, succeeded in accomplishing the object to which all his nefarious labours were directed.

"The Quakers," said he, in his *Crisis*, dated April, 1777, "trusting to their shortsighted sagacity, have, most unluckily for themselves, made their declaration, and we ought now to take them at their word. They have voluntarily excommunicated themselves from our union, and ought not to be restored to it again but by *payment* and penitence."—He next draws a picture of the *pecuniary embarrassments* of the Congress, and of the Whigs in general; and concludes with the following exhortation to plunder the Quakers. I copy it entire, as a complete specimen of republican reasoning; and as a proof, that the Jacobins of France were no more than imitators of the American Whigs.

"The quantity of our paper money is too great, and the price of goods can be only effectually reduced by reducing the quantity of this money. The next point, then, to be considered is, *the method to reduce it.* [Mark well this method.] The circumstances of the times require, that the public characters of all men should now be fully understood, and the only general method of ascertaining it is by *an oath or affirmation, renouncing all allegiance to the King of Great Britain, and to support the independence of the United States, as declared by Congress.* Let, at the same time, a tax of ten, fifteen, or twenty per cent. per annum, be collected quarterly, be levied on the property of all those who refuse to take the oath. These alternatives, being *perfectly voluntary*, will take in all sorts of people. HERE IS THE TEST; OR HERE IS THE TAX. Further, it would not only

only be good policy, but *strict justice*, to raise fifty or an hundred thousand pounds, or more, if necessary, out of the estates and property of the Quakers in Philadelphia, to be distributed as a reward to those inhabitants of the city and state who shall turn out against the enemy; and likewise to bind the property of the Tories, to make good the damages which that of the Whigs may sustain."

These were the means recommended for giving *freedom* to America! The advice was not thrown away. The intrigues of the leading Whigs, that is to say, rebels (the terms were, and are, synonymous), had so far succeeded, as to gain over a great number of the sturdy rabble to their side, while the violence with which they exercised the power they had usurped, struck terror into the hearts of the peaceable and the rich.

Now began a scene of pillage, of confiscation, of insult, of cruelty, of persecution of every species, in which the loyal and unfortunate Quakers were the principal sufferers. They were robbed of their corn, their flour, their cattle, their shop goods, and sometimes of their household furniture, and the very beds from under them, by virtue of those *requisitions*, on which the French have so greatly improved. This moveable property was generally seized by armed ruffians, sent by the *Committee of Safety*, (another institution which the French have borrowed from the Americans,) who generally accompanied the execution of their orders with the grossest indecencies towards the females of the families they plundered. The men they frequently beat and lacerated in the most unmerciful manner. Some they ducked and pumped on; others they carried astride upon a sharp rail, till they dropped off in a state of insensibility; others they dragged to prison, shut them up with deserters or common thieves, giving them the cold earth to lie

lie on, and bread and water for their only sustenance. Barely to enumerate the various modes which the ingenious cruelty of the Whigs discovered for the tormenting of these inoffensive people, for their fidelity to their King, would occupy one half of the pages of your Review.

One regulation which these inexorable rebels adopted, has not, as far as I have heard, been imitated by the regicides of France. It was this: They issued a decree, forbidding any person, who refused to take the *test*, that is, who refused to abjure his King, and become a rebel, to go out of his township, or parish; and, as the houses and inhabitants are so widely scattered, this prohibition operated as a most unbearable cruelty. A great portion of the loyalists, the Quakers in particular, were at once totally cut off from their places of worship, from their markets, their neighbours, their acquaintances, their friends, relations, parents, and children. If a man were at the point of death, his child, if a loyalist, dared not cross the township boundary to see him. An old Quaker doctor, in Chester county, was called up in the night to come to the assistance of his daughter, who was suddenly taken in child-birth, in a township where no midwife resided. It was thought that the father (who also lived out of the township), might escape, if detected in passing the boundary; but those who thought so were not yet fully acquainted with the barbarity of Whiggism. The old man was seized just before he reached the house of his daughter, who actually expired for want of help, while the father was dragged to Chester, and lodged in the common psison, from the grates of which he afterwards saw his daughter's corpse carrying to the burying-ground. In fact, this cold-blooded, this savage, this most hellish decree, severed the Quakers from all the felicities, all the comforts, all the

charities of life. I myself knew a man in Bucks County, who, during a part of the continuance of this decree, was, by its operation, separated from all medical aid, at a time when a dysentery raged in the neighbourhood, and when he had ten children, together with his wife and himself, stretched on their beds by that most dreadful disease. A physician was at last found bold enough to cross the township line, and to come to this scene of human woe; but, for want of timely aid, four of the children died in one and the same day. One would think, that distress like this would have softened the hearts of tygers: it might, perhaps; but it produced no such effect on the Whigs, who, having heard that this Quaker had a Tory doctor of another township secreted in his house, sent a detachment of ruffians to search for him, and to carry him to prison! I do not believe it possible for the Jacobins of France to surpass in cruelty the Whigs of America. The former have been more violent, more fierce, they have discovered more of what may be called *ferociousness*; but, that they have been more *cruel*, that they have discovered greater delight in tormenting the mind or the body of the objects of their persecution, I utterly deny.

These things ought not to be buried in oblivion. The success of the American Whigs has stifled the voice of truth in that country; and the singular situation of parties here, at and since the end of the war, has hitherto stifled it in this country also: but, Sir, I hope, we shall yet see the day when all the crimes of this most foul, unprovoked, and unnatural rebellion, and when all the criminals (whether British or American) therein concerned, shall be exposed to the abhorrence of the present generation, and be so collected and recorded as to ensure the abhorrence of posterity. As an humble

effort

effort of my own towards the effecting of this good work, I shall now proceed to relate two or three remarkable instances of the cruelty of the Whigs, and of the fidelity and fortitude of the Quakers.

All the oppressive measures which I have mentioned above, did not induce one single Quaker to take the hateful *test*. The members of the Congress, irritated at this obstinate loyalty, which, while it was very convenient in itself, was a living satire on their own conduct, fell upon a new mode of persecution, which, as well as most of their other tyrannical inventions, has been improved upon by the republicans of France. On the 28th of August, 1777, they passed a resolve, in compliance with which the EXECUTIVE COUNCIL (another instrument of oppression that the French have borrowed from them) of Pennsylvania, of which Thomas Wharton, jun. was president, George Bryan, vice-president, and Timothy Matlack, secretary, issued an order to "arrest all persons who had, in their *general conduct and conversation*, evinced a disposition inimical to the cause," and particularly several persons who were named in the same warrant. The execution of this order was committed to twenty-four Whigs (composed chiefly of Presbyterians) remarkable for their violence and cruelty.* These men were empowered to seize persons and papers, "particularly the records and papers of the Meeting of Sufferings of the society

* William Bradford, Sharpe Delany, James Claypole, William Heysham, John Purviance, Joseph Blever, Paul Cox, Adam Kemmel, Wiliam Graham, William Hardy, Charles Wilson Peale, Captain M'Cullock, Nathaniel Donnell, Robert Smith, William Carson, Lazarus Pine, Birney Captain, John Galloway, John Lile, James Longhead, James Cannon, James Starr, William Tharpe, Thomas Bradford.

of the people called Quakers." A similar order respecting the Quakers was extended to all the colonies, the leading rebels in each being requested to transmit all the papers of the Quakers for the inspection of the Congress.

In Philadelphia and its vicinity the order was executed with great rigour. Houses and chambers were broken open, desks and scrutoires were rifled; the most atrocious acts of violence and fraud were perpetrated under the pretence of preserving the *liberty* of the people. Finally, after loading themselves with the papers and spoils of hundreds of families, after driving great numbers of men from their homes, after extorting forbearance-money from some and reluctant promises from others, the Committee of Philadelphia, whose names I have above recorded, seized on between forty and fifty of the richest and most reputable men in that city and its neighbourhood, whom they placed under a military guard.

To these men, thus seized and imprisoned, the Whigs offered their freedom upon certain conditions, one of which was, that they should take a *test*, renouncing all allegiance to their King. Some of the prisoners had been released upon various grounds, soon after their confinement, and of those who remained, some took the test; but amongst these there was not one Quaker.

The number was now reduced to *twenty-two*, to whom was reserved the honour of giving a most memorable proof of their loyalty and resolution. They were informed, that, unless they took the test before a certain day, they would be banished to a distant part of the Continent. They remonstrated strongly against a proceeding which dragged them from their homes, and sent them into banishment, without confronting them with their accusers, and even without specifying their crime; but they

they continued steady in their refusal to take any test, whereby they should abjure their Sovereign, or acknowledge allegiance to those who had usurped their rights and his authority.

On the 9th of September, the tyrannical *Executive Council* issued an order for their banishment, which order was, without delay, carried into execution. The prisoners were placed in a barricadoed wagggon, and were thus conveyed under a military escort, [forming altogether a perfect prototype of the *Cayenne Diligence*], from the city of Philadelphia to Stanton in Virginia. Their route was rendered as long and as painful as possible. They were taken through the back parts of Pennsylvania and Maryland, and did not perform a journey of less than five hundred miles, before they reached their new place of imprisonment, where, when the disposition of the people was considered, the Whigs of Philadelphia must have expected, that the exiles would not long escape death. Those who have travelled on the roads in the back parts of the American States, and who consider the cooped up situation of these loyal prisoners, together with the almost unbearable heat of the season in which they were compelled to travel, will be astonished that one half of them did not perish on the way. The danger to which they were necessarily exposed, was increased by the cruelty of their guards, who, when they stopped to regale themselves in the towns and villages through which they passed, spared nothing to inflame the populace against them.

Arrived in Virginia, they were confined to certain limits, and were prohibited from all manner of correspondence, even with their friends and relations. In this most cruel situation they remained till near the close of the war, constantly refusing to forswear their King: a refusal which they re-

peated as often as the oath or affirmation was tendered to them.

The names of these men should be recorded in your loyal publication; I therefore insert them here; and it will, I am persuaded, give you no small satisfaction to perceive, that those who were not Quakers, were of the Church of England.

Q. Israel Pemberton,	*Q.* Owen James, jun.
C. John Hunt,	*Q.* Thomas Gilpin,
Q. James Pemberton,	*C.* Charles Jervis,
Q. John Pemberton,	*C.* Phineas Bond,
Q. Thomas Warton,	*C.* Thomas Affleck,
Q. Edward Pennington,	*C.* Wm. Drewet Smith,
C. Thomas Coombe,	*C.* Thomas Pike,
Q. Henry Drinker,	*C.* William Smith,
Q. Thomas Fisher,	*Q.* Elijah Brown,
Q. Samuel Pleasants,	*C.* Charles Eddy,
Q. Samuel R. Fisher,	*Q.* Miers Fisher.

The fate of Moseley must not be forgotten. This young man, who was a Quaker, had been absent from the city of Philadelphia, for some weeks. Upon his return, he was *falsely* charged by the Whigs, with having conveyed intelligence to the British Army; for which offence, though no proof appeared against him, they hanged him, *and buried him under the gallows.* Soon after they committed this murder, the near approach of General Howe's army compelled them to seek for their own safety in flight. The reign of justice and of *real* liberty having been once more restored by the actual arrival of the army, two of poor Moseley's friends took up his body, and interred it in the burying-ground of the sect of which he had been a member. But, after the subsequent evacuation of the city, the Whigs resumed their former sway, and, ever as cruel as they are cowardly, they ordered the

the two friends of Moseley, on pain of *instant death*, to dig up his body a second time, to replace it at the foot of the ignominious tree, and to give notice, in the public papers, that they had so done, and that the body and the empty grave were ready for the "inspection of *the friends of liberty*;" nor could the tears and entreaties of the friends and relations of their innocent townsman, whom they had murdered, prevail on them to desist from their purpose, or to abate one jot of the gratification of their base and black-hearted revenge. This abominable act has been imitated by no republican Frenchman, except the ferocious Victor Hugues, who, after he had recaptured Guadaloupe, ordered the body of General Dundas to be dug up, and to be suspended on a gibbet. How little difference is there between the heart of a *Whig* and that of a *Jacobin!*

Suffer me, Sir, to give you one instance more of the cruelty of the Whigs, and of the sufferings of the people, whose conduct I have taken upon me to defend.

Wherever the melancholy story of John Roberts and Abraham Carlisle shall be related, there will the principles and the practices of Whigs be held in abhorrence. These two Quakers fell a sacrifice to their loyalty in the city of Philadelphia: a city of which their forefathers were amongst the founders, in which they themselves were born, and in which they had long been universally respected and beloved.

The alleged crime of Carlisle was, his having kept one of the barrier-gates, while General Howe held the city; a post which he had accepted at the request of all those who wished for mild measures, and in which he had conducted himself with so much moderation and humanity, towards men of all parties and descriptions, that every disinterested

person, even amongst the Whigs, looked upon his possession of the post as a most fortunate circumstance.

Roberts's offence was of a nature equally trifling. His house in the country lay without the British lines, whence, being apprehensive of being taken, and probably murdered, by a party from Washington's army, who were continually spreading havock through his neighbourhood, he had made his escape into the city, leaving his wife and children behind. Some weeks after his arrival in the city, a foraging party went out into the township where his house was situated. Anxious to see his family, who had been, in the mean time, exposed to the insults and violence of the rebels, he eagerly availed himself of the protection of the foraging party, with whom he went out and returned, bringing in his family with him. Out of this circumstance, in which, one would have thought, malice itself could find nothing to blame, the Whigs trumped up an accusation against him, as a man who had volunteered his services as a *spy* and *guide* to the British army!

Yet, on charges so frivolous were these two respectable and inoffensive men dragged before the Supreme Court at Philadelphia, in which M'Kean and Bryan sat as Judges, and of which the Revolutionary Tribunal of Robespierre was so striking an imitation, that, ever since the proceedings of the Tribunal have been heard of in America, M'Kean has been honoured with the name of *Fouquier Tinville*. It was well known at the time, and has since been openly avowed by the Whigs themselves, that the putting of these men to death was a mere stroke of *policy:* a measure solely intended to terrify the Tories, and to commit the wavering Whigs beyond the possibility of receding. The voice of justice and of mercy had long been silenced; but they were

were again heard on this memorable occasion. The intention of the leading Whigs to take away the lives of Roberts and Carlisle was no less manifest than was the injustice of the act itself. The great mass of the people once more resumed their natural feelings, and the President of the Executive Council, Reid, together with the whole Council, and the Judges seemed to fear that, if they succeeded in procuring a condemnation, a rescue would be effected. Every measure was therefore taken to prevent the failure of their sanguinary project; but, notwithstanding the jury was packed for the purpose, notwithstanding no counsel of eminence was found bold enough to defend the prisoners, notwithstanding the number of witnesses that were suborned, notwithstanding the partiality and violence of the judges, it has ever been believed that the jury would have refused to find them guilty, had it not been for fear of being murdered themselves, an apprehension which was artfully excited by the appearance and the dreadful menaces of a set of miscreants who had been prepared for the purpose, and who came into the court just as the jury were retiring. Care was taken, in the mean time, to draw forth all the staunchest of the Whigs under arms. The city had the bayonet placed to its throat, and while every man was in hourly dread of being murdered himself, he thought less of the judicial murder that was about to be committed. It is said, that, at last, Reid hesitated to sign the death warrant, and that even M'Kean faultered; but Bryan declared, that, should an executioner be wanting, he would descend from the Bench, and perform the office himself! While the city was in this state of confusion and dismay, the death warrant was signed—the prisoners were carried to the place of execution, where Claypole, the sheriff, himself became hangman, and put the last hand

to

to one of the most atrocious deeds recorded in the annals of Whiggism.

Yet, Sir, did all these severities, all these acts of robbery and murder, and all the apprehensions and terrors they were calculated to excite, totally fail in making the Quakers forego those principles which they had professed at the beginning of the contest, and the adhering to which had been the sole cause of a series of such unheard-of persecution. They still remained resolute in their refusal to contribute, either directly or indirectly, to the carrying on of war, and not less resolute in their rejection of every test, whereby they were to abjure their allegiance to their King, or to acknowledge the sovereignty or the independence of the States.

That the Whigs could number amongst them some persons, who were Quakers before the rebellion, I acknowledge; but, the moment any one of their society took up arms, they not only expressed their disapprobation of his conduct, but actually read him out of their meeting, that is to say, *excommunicated him.* In their excommunication of Mifflin, the person whose conduct you have cited as an instance of their inconsistency, they furnished the most satisfactory proof of their consistency and loyalty. This man's apostacy had rendered him extremely popular; he was formed by nature for a demagogue, and was far from being deficient in bravery; he was rising high in command, and was, perhaps, the most to be dreaded of any man in the state of Pennsylvania Yet did they set their mark of reprobation on him, and expel him from the society in which he had been born and educated, and which, for several generations, had counted his ancestors amongst its most respectable members: nor have they ever, either during or since the rebellion, restored to th ir society, without a previous acknowledgement of his fault, any one of those

those whom they expelled for espousing the rebel cause. A singular proof of this fact exists in the city of Philadelphia, where the excommunicated Quakers, at the close of the war, petitioned the Legislature to pass a law, to take part, at least, of the meeting-houses and other property belonging to the society, from the Tory Quakers, and to transfer it to themselves, seeing that they were joint owners thereof. The petition was plausible; and whatever the proposition might want in point of law and of strict justice, they, naturally enough, supposed would be supplied by the inclination of the minds of the legislators, with whom they had been engaged in a common cause, who had shared with them in persecuting those against whom they now presented their petition. But the days of violence and injustice were passing away. The legislature heard the cause pleaded before them, and, to their great honour, they decided in favour of the defendants. The Quakers who had abjured their allegiance to the King, not thinking it seemly to live without God in the world, formed themselves into a society, under the denomination of the *Free Quakers*, which, by the unanimous concurrence of their neighbours, has been very aptly and sarcastically exchanged for that of *Fighting Quakers*. This excommunicated crew did, with some difficulty, raise funds to build a meeting-house; but, as mankind in general are not over anxious to ally themselves with outcasts of any description, and, as the expulsion of Quakers does not extend to their children, a regular and rapid decline has been experienced in this new fangled society, the members of which have the mortification to see their numbers daily diminish, their sons and daughters walking in the paths from which they themselves have strayed, while their miserable meeting-house seems to have been erected as a monument of their apostacy

apostacy and rebellion, and of the faithfulness and loyalty of the followers of Penn.

Here, Sir, I conclude this very long letter, which I submit to your disposal; hoping, indeed, that it will appear in your next number; but assuring you, at the same time, that, whether it appears or not, I shall still remain, what I esteem it an honour to be thought,

Your sincere friend, and
most humble Servant,
W. COBBETT.

FAREWELL ADVERTISEMENT.

I sailed from New-York, on my return to England, on the 1st of June, 1800, having ordered a farewell advertisement to be inserted in the public papers the day before. Soon after I began to publish the *Porcupine* in London, an American wrote to me, complaining of my indiscriminating attacks on his countrymen; to this complaint I published the following answer:

SIR,

I shall preface my answer to your remonstrance with an extract from my *farewell address to your countrymen*, which address it is probable you may not have seen.

" You will, doubtless, be astonished, that after " having had such a smack of the sweets of *liberty*, " I should think of rising thus abruptly from the " feast; but this astonishment will cease, when " you consider, that, under a general term, things " diametrically opposite in their natures are fre- " quently included, and that flavours are not more " various

" various than tastes. Thus, for instance, nou-
" rishment of every species is called *food*, and we
" *all* like food; but while one is partial to roast
" beef and plumb pudding, another is distractedly
" fond of flummery and mush; so is it with respect
" to *liberty*, of which, out of its infinite variety of
" sorts, yours unfortunately happens to be precisely
" that sort which I do not like.

" When people care not two straws for each
" other, ceremony at parting is mere grimace;
" and as I have long felt the most perfect indiffe-
" rence with regard to a vast majority of those
" whom I now address, I shall spare myself the
" trouble of a ceremonious farewell. Let me not,
" however, depart from you with indiscriminating
" contempt. If no man ever had so many and
" such malignant foes, no one ever had more
" friends, and those more kind, more sincere, and
" more faithful. If I have been unjustly vilified by
" some, others have extolled me far beyond my
" merits; if the savages of the city have scared
" my children in the cradle, those children have,
" for their father's sake, been soothed and caressed
" by the affectionate, the gentle, the generous in-
" habitants of the country, under whose hospitable
" roofs I have spent some of the happiest hours of
" my life.

" *Thus* and *thus*, Americans, will I ever speak of
" you. In a very little time, I shall be beyond
" the reach of your friendship, or your malice;
" beyond the hearing of your commendations or
" your curses; but being out of your power will
" alter neither my sentiments nor my words. As
" I have never spoken any thing but truth to you,
" so I will never speak any thing but truth of you:
" the heart of a Briton revolts at an emulation in
" baseness; and though you have, as a nation,

" treated

" treated me most ungratefully and unjustly, I " scorn to repay you with ingratitude and injustice.

" To my friends, who are also the real friends of " America, I wish that peace and happiness which " virtue ought to ensure, but which, I greatly fear, " they will not find; and as to my enemies, I can " wish them no severer scourge than that which " they are preparing for themselves and their " country. With this I depart for my native land, " where neither the moth of *Democracy*, nor the " rust of *Federalism* doth corrupt, and where thieves " do not, with impunity, break through and steal " five thousand dollars at a time."

These, Sir, were the last words I published in America. From the determination which I then expressed, I am resolved never to depart. Never will I knowingly and seriously utter an assertion, or an insinuation, respecting America, the *truth* of which I cannot establish. My Prospectus contains no *indiscriminate* charge against your *countrymen*; and as to the facts to which you suppose me to allude, you know, if you have really read my American paper, that every one of them can be proved: nay more, you know that they have all been stated over and over again, in the newspapers of your own country.

I repeat my assertion of Thursday, that I have " as many friends in America as you have, however " extensive your connexions, or exalted your rank." Nay, I know I have more and better friends in America than any man in the world has. And as to the vile transactions on account of which you imagine I entertain a " grudge," it has produced a precisely opposite effect. In less than a month after the monstrous sum of *five thousand dollars* was so unjustly assessed, your countrymen would have paid it every farthing; and I certainly should have accepted of it at their hands, had the payment not been already voluntarily

voluntarily provided for by British Gentlemen in Canada and the United States. Judge, then, if I can harbour any "revenge" against the people of America in general.

But, Sir, while I entertain, as I ever shall, the sincerest regard for my friends in America; while I respect very many public men in that country, and while the people, considered in a mass, have my best wishes for their prosperity and happiness, they cannot be so unreasonable as to suppose, that I am bound to smother the multitude of useful truths of which I am in possession. Yet I might do even this, were the "*good effects*," (as they are called) of *republicanism* not only made use of, to inveigle Britons across the Atlantic, but for the more nefarious purpose of exciting rebellion and revolution in this kingdom. So long as this continues to be the practice of the enemies of my King and country, so long shall I appeal to the example of America; and all that you or your country have a right to demand of me, is, that I confine myself to the *truth*.

Yet, Sir, give me leave to observe, that it is from British *forbearance* alone, that the *Whigs* of your country have any quarter to expect. Their feelings are very tender, but they have little consideration for the feelings of others. When you were writhing under the sting of my Prospectus, you probably forgot the floods of infamous calumny which are daily poured out on our gracious Sovereign, and all his faithful subjects, from the presses, the pulpits, and legislative halls of America.—But this subject I shall reserve for a future remonstrance.

P. PORCUPINE.

PRISON

PRISON ECLOGUE,

First re-published in the London Porcupine, on the 1st of November, 1800.

One of our files of papers, lately received from America, has brought us the following poem, entitled, " A PRISON ECLOGUE," to which we think it necessary to prefix a short explanatory preface.

Most of our readers will remember, that Thomas Cooper, of Manchester, was, while in England, a most malicious enemy of his King and country; and that, after having made a sort of reconnoitring trip to America, he wrote a book on Emigration, in which he highly extolled the Government of the New Land of Promise. He returned to America again in the year 1795, and settled in the neighbourhood of Doctor Priestley, at Northumberland, a small town in the state of Pennsylvania. These two disinterested patriots made divers efforts to *get into place.* At first they proceeded by *hints*, which became broader and broader, till at last, impatient for a participation in the republican loaves and fishes, Cooper made a direct application to President Adams, backed by the recommendation of his friend Priestley.

The request was refused, and from that moment the Doctor and his brother emigrant availed themselves of every convenient opportunity of indulging their enmity against Mr. Adams. The season, for *open* opposition to the Federal Government was for a long time inauspicious. The summer of 1799 warmed the dormant faction into life. In Pennsylvania, *M'Kean*, the avowed friend of Jefferson

ferson, and the devoted tool of France, became a candidate for the important office of Governor. To him, therefore, who had in his state ten times as many offices in his gift as the President, the emigrated philosophers looked with confidence for that profit and importance which they had in vain solicited from the Federal Government; and that they might not be destitute of a ground for their pretensions, they zealously, ably, and efficaciously supported his cause in the canvass which preceded the election.

During this canvass, this six months of disputation, of intrigues, of reciprocal calumny, of anxiety, of hope, of fear, and of hatred, Cooper, who is possessed of talents that would do honour to a better cause, voluntarily became the editor of a newspaper in his neighbourhood; during which editorship he published, in his own name, a number of essays, which did infinite injury to the federal party. One of those essays was made the ground of a criminal prosecution on the part of the President, under the *Sedition Law* of that republican country; and poor Cooper was, for a writing much less libellous than almost every number of each of our opposition prints, sentenced to pay a fine of four hundred dollars, and to be imprisoned six months among the *felons* in the philanthropic prison of Philadelphia, in which enviable situation the poet brings his friend Priestley to visit him.

With this previous information, the reader will enter with more advantage on the perusal of the poem, which comes from the classical pen of *Mr. Dennie*, a native of New England, and a writer, whose various productions are very deservedly the boast of the new world.

PRISON ECLOGUE.

PRIESTLEY and COOPER.

Priestley.

AT ease reclining on thy truckle bed,
Bolts at thy door, and brandy in thy head, (*a*)
Thou, Cooper, may'st the imprisoned muses court,
If to a prison muses deign resort. (*b*)
I, wretched wight! have left my native plains,
The smoky workshops and the swarthy swains, (*c*)
Where joining chemic with religion's hate,
I try'd to decompose the Church and State;
Spurning the bounds to diff'rent studies fixt,
Poison with preaching fearlessly I mixt;
Sedition into Deism's service prest—
(The treason gave dull controversy zest).
But thou, secure in this sequestered seat, (*d*)
The hungry felon's desperate retreat,
May'st give thy pent-up spleen its utmost scope;
(A convict—what hast thou to do with hope?)
Dip thy advent'rous pen in ranker gall,
Lash Lawyers, Judges, Jurymen and all;
Make them e'en here the press's freedom feel,
And give poor Nicholson another meal.*

Cooper.

(*e*) O gentle Doctor, were my sceptic mind
To heav'n or heav'nly thoughts at all inclin'd,
Some god has deign'd (almost I could believe)
This precious leisure to my prayers to give, (*f*)

(*a*) *Tityre, tu patulæ recubans sub tegmine fagi.*
(*b*) *Musam meditâris avenâ.*
(*c*) *Nos dulcia linquimus arva;*
Nos patriam fugimus; (*d*) *tu Tityre,*
(*e*) *O Melibœa.* (*f*) *Deus nobis hæc otia fecit.*
Namque erit ille mihi semper Deus.
—Ille meas errare boves, ut cernis, et ipsum
Ludere, quæ vellem, calamo permisit agresti.

* Alluding to a paper called *The Daily Repast*, published in the Philadelphia prison.

That,

My god he shall be, oft to him shall flow
This black libation, for to him I owe
That, as you see, my flocks securely roam,
Nor simple dream of wand'ring far from home;
To him, that armed with this envenom'd quill,
I can blaspheme, or libel, as I will.

Priestley.

(*g*) I envy not thy happiness, I own:
I wonder more that *thou* art here alone.
Sedition stalks so boldly through the State,
Lampoons distract, and libels irritate.
Adjourn'd the Senate, braving see Duane
Sneaks into town, and heads his Greens again;
The ribald Callender can hardly meet
A prison's shelter (for the wretch must eat)
And I, who've still for persecution pray'd,
* Attack in vain the idol I had made,
My younglings see, with unavailing rage, (*b*)
Hope of my stock, and solace of my age,
Unheeded meet the stupid peasant's eye,
Abortive fall, 'midst woods and wilds to die.
(*i*) A beast (I now remember) had of old
In accents harsh and piercing, thus foretold.
Well I remember now his boding croak,
And quills erect, which bristled as he spoke,†
(*k*) But give me, dearest friend, this god to know.

Cooper.

(*l*) I thought (ah! simpleton for thinking so)
I thought this seat of mild *fraternal love*,
Where all in just equality should move,

(*g*) *Non tamen invideo: miror magis.*
(*b*) *Spem gregis, ah! silice in nudâ connixa reliquit.*
(*i*) *Sæpe malum hoc nobis, si meas non læva fuisset*
De cœlo tactas memini predicere quercus
(Sæpe sinistra cava prædixit ab ilice cornix)
(*k*) *Sed tamen, iste Deus qui sit, da,* Tityre, *nobis.*
(*l*) *Urbem, quam dicunt Romam—putavi*
Stultus, ego huic nostræ similem—
Sic canibus catulos similes—
Noram— —

* Alluding to Dr. Priestley's attack on the federal constitution, in his *Letters* to the inhabitants of Northumberland, which fell almost still born.

† Porcupine.

Was like the city* where our artful song
So often led the giddy multitude along.
Thus tygers' whelps I knew were like their sire,
Thus ruthless Jacobins (their borrowed fire
Still nourish'd from the Gallic parent flame)
Were blood-stained murderers, every where the same.

Priestley.

But what to Philadelphia turned thy flight?

Cooper.

(*m*) Sweet liberty, "that goddess heavenly bright;"
Late though she cast on me a side-long glance,
Such as inflames her madd'ning sons in France.
She came, and me her fondest vot'ry found,
When the bleach'd cotton ceas'd to clothe my ground: †
When flimsy projects had devour'd my pelf,
And left me nought to care but for herself.
(*n*) By poverty, by disappointment stung,
(Such causes loose the noisy patriot's tongue)
(*o*) Hither I came, and first beheld the sage,
His locks by wisdom whiten'd and by age.
A place! I cried, and own'd a present God;
(*p*) A place! he echo'd with a gracious nod.
See yon white wall, yon grated windows see.
The fittest place for such philosophy!
(*q*) Tend for six moons the flocks that wait thee there;
Creatures of thine, they merit all thy care.

Priestley.

(*r*) Thrice happy man! then thou at length hast found
A resting place—for thee an ample bound.
What though the walls are bare, though noisome smells
Assail thy nostrils from surrounding cells.

(*m*) *Libertas, quæ sera tamen respexit inertem.*
(*n*) *—Nec tam præsentes alibi cognoscere divos.*
(*o*) *Hic illum vidi—*
(*p*) *Hic mihi responsum primus dedit ille petenti;*
(*q*) *Pascite, ut ante, boves—*
(*r*) *Fortunate senex!*
Non insueta graves *tentabunt pabula fœtas.*

* Manchester.

† Cooper, while at Manchester, invented a mode of BLEACHING COTTON by the help of INFLAMMABLE AIR. He burnt the cottons, became a bankrupt, turned patriot, and emigrated to America.—A very natural progress towards perfectability.

No

No mead untry'd thy cumber'd flock invites,
From neighbouring fold no pestilence affrights.
Thrice happy man! whether with sleep opprest,
Their distant tinklings lull thy soul to rest;
Or, if awake, their ports demand thy care—
Alike regardless of to-morrow's fare.—
(*s*) Here 'neath the lowly shed, with murmur hoarse,
Shall masons ply the saws dividing force:
Deep on the ear shall pond'rous hammers come,
Nor cease the spinning wheels their drowsy hum.

Cooper.

(*t*) Sooner shall guilty Jacobins forgive,
Or thou, dear doctor, learn in peace to live;
Sooner shall Tench acquire an honest name,*
M'Kean grow sober, or his wife grow tame; †
Sooner shall Mammoth pay his British debt, ‡
Than I such vast munificence forget.

(*s*) *Hinc altâ sub rupe canet frondator—*
Nec gemere aeriâ cessavit turtur ab ulmo—
(*t*) *Ante leves ergo pascentur——*

* Tench Coxe, a most furious Jacobin. He pretended great attachment to the royal cause, during the rebellion, and actually went out to meet Sir William Howe, when that general approached Philadelphia; but he has since been remarkable for his enmity to Great Britain, and his devotedness to France.

† M'Kean, the present governor of Pennsylvania.

‡ Jefferson (now a candidate for the Presidency), who wrote a foolish account of a monster, which he called Mammoth, is one of those who have long owed vast sums to the British merchants.—His father-in-law, Mr. Wales, was an Englishman, who owed his fortune to the friendship of Messrs. Farrel and Jones, of Bristol. Mr. Wales ordered in his will, that previous to any division of his property amongst his sons-in-law, the debt due by him to the heirs of his benefactors should first be discharged; but these pious sons-in-law, instead of obeying the will, retained the amount of the debt, till, in consequence of an iniquitous confiscation law passed in Virginia, they were enabled to pay it into the treasury of that state, in depreciated paper money.—Jefferson was one of those sons-in-law. Such is the man who is now Vice President, and who will probably be President of the *free, enlightened,* and *happy* Republic of America.—And will they yet have the impudence to tell us about the virtues of a Republic?

Priestley.

But I unhappy! whither shall I flee?
Who'll give asylum to a wretch like me?
Shall I on Susquehanna's banks remain,
(*v*) Or seek, repentant, Britain's shores again?
Haply I may, when long revolving years
Complete an age of penitence and tears,
Hope to approach once more her sea-girt bound,
Kiss her white cliffs, and clasp her sacred ground,
(*u*) "Admire the cottager's unenvy'd thatch,
"The well glaz'd lattice, and th' unfasten'd latch."—
(*w*) Oh! shall the barb'rous Gauls such fields invade?
For such rude spoilers are our harvests made?
(*x*) Go, go my books—sedition's darling boast:
No more my pen shall aid the murd'rous host.—

Cooper.

Yet here with me beguile the night, and share
My humble pallet and my homely fare.
Soon shalt thou see with platters spread the board,
(*y*) With viscid mush and sweet molasses stor'd.
(*z*) And hark! the bell announces supper near,
And clanking chains more closely strike the ear.

REPUBLICAN MORALITY,

Published in the London Porcupine, of November 10th, 1800.

We shall here begin the necessary undertaking of detecting the artful and malicious insinuations of the *Morning Chronicle*, respecting the conduct of his MAJESTY's ships of war *in the Atlantic Seas.*

(*v*) —*Et penitus toto divisos orbe Britannos.*
(*u*) *Pauperis et tugurî congestum cespite culmen—*
(*w*) *Invius hæc—miles habebit?*
Barbarus has segetes?
(*x*) *Ite meæ, quondam felix pecus, ite capellæ.*
(*y*) —*Sunt nobis mitia ponia—*
(*z*) *Et jam summa procul—culmina fumant*
Majoresque cadunt.——

To

To obviate the charge of garbling, or misquoting, we shall first give the extracts entire, and then give our comments, and state our facts.

Morning Chronicle, October 16.—" We are in-
" formed from good authority, that Mr. LISTON,
" our Ambassador to the United States of America, is
" coming home. The American President has,
" *for upwards of a twelvemonth*, made complaints
" to Mr. LISTON of the conduct of British cruisers
" capturing American ships and property, *at the*
" *very mouths of their harbours*. Mr. LISTON,
" we are informed, transmitted these remonstrances
" to this government, but he did not find that they
" were sufficiently attended to, and his situation at
" Philadelphia became very *irksome and unpleasant*.
" He returns to England, *therefore*, not very well
" satisfied with the part he had to sustain.

" If any abuses have taken place on these remote
" stations respecting the American trade, they
" ought to be very carefully restrained by autho-
" rity, as power at so great a distance from control
" is *very apt to be carried to an extreme of rudeness*
" *and severity*. At a moment, too, when a recon-
" ciliation between France and America is likely to
" take place, it ought to be the study of this
" country to treat the Americans in the most
" *liberal* manner; it ought to be our care to engage
" their esteem and confidence by the *superior can-*
" *dour* and good faith of our proceedings. It is a
" paltry thing to quarrel with a country about a
" capture which is not worth mentioning in point
" of gain to ourselves, while it may in the minds
" of the losing individuals and losing country, lay
" the foundation of much dissatisfaction and
" *future hostility*. The right of capturing neutral
" property and neutral ships, is a matter to be
" regulated by broad principles of utility, never

"defended by quirks and quillets. It is a right "with regard to neutrals purely of a defensive "kind; a right to prevent them benefiting our "enemies, contrary to the laws of nations and "existing treaties. A capture upon a small defect "of a form, where a general principle is not in- "volved, we conceive to be downright robbery; "and we know that all liberal publicists are of the "same opinion."

Morning Chronicle, October 29.—"America, as "well as the Northern Powers, must be inclined to "contest our maritime law. She is, it is true, "bound to us by strong ties of interest. The con- "nexion between the two countries is mutually ad- "vantageous. But America, too, is naturally led "into the carrying trade; and should the conduct "of France really prove honourable in the exe- "cution of the late convention, the system of "England, if adhered to, *will infallibly produce* "*discontent on the other side of the Atlantic.* In- "deed, *the conduct of our cruisers will demand* "*revision and control* If we consider the extent "and importance of our commerce with America "—if we consider how necessary a good under- "standing with America is to the support of the "West India Islands, *which depend for provisions* "*upon the United States*, we must be sensible how "much it is our interest to treat the United States "in the *most liberal manner*, and to guard against "every danger of a rupture."

Morning Chronicle, October 31.—"It is the duty "of Government to pay the utmost attention *to* "*prevent our cruisers from exercising an unnecessary* "*rigour* in regard to neutral vessels, *particularly the* "*American.* It is more honourable for the nation, "and more advantageous likewise, to anticipate "any misunderstanding than to remove it. The

"right

" right of search is merely a right *supposed* to be " connected with self defence; if not confined to " that object, it is an abuse of power. Every endea- " vour should be employed to simplify the grounds " of capture; and as little should be left for dis- " cretion in the capture as possible. If an abuse is " committed, the redress should be complete and " immediate. The conduct to neutrals should " always be distinguished by the *most liberal good* " *faith.* Petty flaws aud *trifling deviations from* " *strict rule ought not to be made ground for con-* " *demnation.* In a word, it will now be more and " more necessary to limit our interference with the " trade of neutrals to principles of evident " necessity, to render our rights claimed sub- " servient only to national advantage, *without* " *considering the interest of individual captors.* If " we do not pursue this system, we most un- " doubtedly shall be exposed to the odium and " resentment of every trading nation in the " world."

We shall first contradict the insidious falsehood relative to Mr. LISTON. *The Morning Chronicle* gives its deluded readers to understand, that this gentleman, having been, " *for upwards of a twelve-* " *month past,*" teazed with complaints, which he could not make his Majesty's Ministers attend to, found his situation very irksome at Philadelphia, and " *therefore*" he returns to England, " not very " well satisfied with *the part he had to sustain.*" Now the fact is, that Mr. LISTON has, during his residence in America, had many more complaints to *make* than to *receive.* The captures, " *at the* " *very mouth of their harbonrs,*" were never talked of till the month of *April last*, and that only in *one instance*, when the statement of the Americans was proved to be a barefaced falsehood, fabricated at New-York

New-York for electioneering purposes. That vigilant and excellent officer, Captain ISRAEL PELLEW, took two American ships; but they were taken at more than *twenty leagues distance from any harbour in the world*; and that he had good reasons for the capture was proved by the subsequent condemnation of the vessels captured. As to Mr. LISTON's return to England, we know, that, long before the above capture was made, he applied for leave of absence, on account of *ill health*, and not on account of any dissatisfaction with regard to "the part he had to sustain."

The hireling print, which we have quoted, next proceeds to an attack on the conduct of our cruisers in general, on the American station. It adopts BONAPARTE's system of intimidation; first it attempts to overawe us with the danger of giving umbrage to America, then it tells us how this may be avoided. "Power, at so great a distance, is "very apt to be carried *to an extreme of rudeness* "*and severity*;—it is the duty of Government to "pay the utmost attention *to prevent our cruisers* "*from exercising an unnecessary rigour* in regard "to neutral vessels, *particularly the American*;—"the conduct of our cruisers will *demand revision* "*and control*;—petty flaws and trifling deviations "from strict rule *ought not to be made a ground for* "*condemnation*;—the interest of individual cap-"tors," (that is, of our gallant sailors) "*ought not* "*to be considered*;"—we ought to treat the Americans "in the most *liberal manner*—with the most "*liberal* good faith,—with *superior candour*."

That all this has proceeded from some *American* pen we have no doubt, and if *The Morning Chronicle* will tell us candidly how much it received for the several insertions, we shall excuse it as a matter merely in the way of trade. We can allow, too, that the price for wear and tear of conscience

ought

ought to be pretty high. But this is a thing to be left to the contracting parties: our business is to defeat the purpose of the falsehood, let it come from what source it will. The purpose is simply this; they terrify the people of England with *the great danger of a rupture with America*, to persuade them that such rupture may possibly take place in consequence of *the rigorous proceedings of our cruisers*, and to make them believe that this fatal consequence is to be avoided only by "*controling*" our cruisers, and by treating the American vessels with "*liberality*, and *superior candour*," or, in other words, by abandoning our rights; by sacrificing the honour of the nation, and the interests of its gallant defenders.

That we have nothing to fear from the *unprovoked* anger or hostility of America (or rather the American *Whigs*), we have asserted in our first number, and we are always ready to *prove* this assertion. As to the conduct of our cruisers, it has, in no one instance, been insolent or unjust; but, on the contrary, has been marked with a degree of "candour" and "liberality" bordering on meekness and neglect. The American neutrals have been in the *constant* habit of covering the property of our enemies, and of giving them every other aid in their power. In doing this, they have been guilty of meanness the most despicable, and of crimes the most foul. That we do not, like our adversaries, make assertions without *proof*, the following letter will fully evince.

"*Halifax (Nova Scotia), November 7*, 1800.

"As the newspapers throughout the United States of America generally contain lists of what the people there (in the decent language of liberty and equality) stile British spoliations, and as I owe

owe some left-handed compliments to those enlightened citizens, I thought I could not better discharge that part of my debt than by communicating to them, through the channel of your newspaper, some observations on the case of the ship Polly and cargo, lately condemned in the Court of Vice-Admiralty here. As I know those virtuous lovers of liberty delight in mischief, it will be very pleasing to them to add this case to their catalogue, as it will furnish what, in the republican dialect, will be called another glaring instance of *British piracy*. Besides, it will be peculiarly grateful to them, as it will furnish a strong proof that Jacobin morality gains ground fast in the United States, and will afford a favourable prospect, that the erroneous opinions our foolish ancestors entertained of the sacred obligations of an oath, give way fast to the admirable philosophy of modern republicans; it will also help to keep up the spirits of the fraternity, during the present deranged state of affairs; for it will be considered a great point gained, when they can destroy the credit which is due to public papers; for those gentry love established governments, as the devil in old times was said to love holy water. The ship Polly was laden with cocoa, indigo, cotton, coffee, and sugar; and, by her papers, both vessel and cargo appeared to be wholly owned by Messrs. MANN and FOLTZ, merchants at Charleston, South Carolina. The papers stated her voyage, when captured, to be from Charleston to Cadiz. She was brought into this port by his Majesty's ships of war the Hind and Termagant. Her papers, and the proofs of her neutrality, were prepared apparently with great care, and seemed full and complete. She had, first, a bill of health from the port of Charleston. Second, a bill of lading, signed by JOSEPH TAGGART the master, and

and by MANN and FOLTZ as the shippers of the cargo, at Charleston, for their account and risk, consigned to JOHN WHITE, Esq. at Cadiz, no freight to be paid, being the owners' property. Third, a manifest and clearance for the whole cargo, under the seals and signature of the officers of the customs for the port of Charleston, by which it appeared that the whole of this cargo was shipped in August last at Charleston, and was cleared out for Cadiz. Fourth, an affidavit made by Mr. FOLTZ in the strongest terms, who swears that the whole of this cargo actually belonged to him and Mr. MANN, his partner, merchants and citizens of the United States, and that no other person whatsoever had any interest therein, directly or indirectly. This affidavit is made before a notary public at Charleston, of the name of JOHN MITCHELL, who certifies the same under his seal, with the usual formality, and also certifies the respectability and citizenship of MANN and FOLTZ; and for fear there should be any doubt of the authenticity of this paper, certificates from the British and Spanish Consuls are annexed, to establish the official situation of Mr. MITCHELL, (which leads me to express a strong wish that his Majesty's Consuls will be, in future, a little more cautious how they affix the arms of Great Britain to such trumpery). Fifth, a roll of equipage. Sixth, letters patent, under the great seal of the United States, signed by the President, and countersigned by the secretary of state, recommending this vessel to the protection of all the nations on earth, she being wholly owned by the subjects of the United States of America; to which is annexed an affidavit made by TAGGART the master, who swears, that no subject of the belligerent powers has any interest in this vessel, directly or indirectly. Seventh, a letter of instructions to the master,

signed

signed MANN and FOLTZ, who order him to deliver his cargo to WHITE, at Cadiz, who had orders to remit the proceeds to London; and they direct him, either to return with freight or a cargo of salt to Charleston. Lastly, an invoice and letter from MANN and FOLTZ to WHITE, advising him of their having shipped this cargo to his address, and request him to remit the proceeds for their account, to Mr. JOHN SHOULBRED, of London.

"This vessel sailed from Cadiz last December, as an American vessel, commanded by one HOWLAND. NOILI, who was on board, passed as a passenger, and brought in her to Charleston a cargo of wine, brandy, vinegar, fruit, and dry goods: on his arrival there he discharged HOWLAND, and appointed TAGGART, who had been the mate, to be master; and appointed his brother mate. Without discharging this cargo at Charleston, which was registered in the custom-house at Cadiz (as appears by the papers found on board), as the property of Spaniards, to be delivered at Laguira, they procured American papers to shew that the cargo, being the property of American citizens, was shipped at Laguira for Charleston, on board the American ship Polly, both vessel and cargo the property of American citizens, dwelling at Charleston. Under cover of these papers they arrived at Laguira, where NOILI disposed of the cargo agreeably to its original destination, and loaded the present cargo principally for the account of the house of BEINE, at Cadiz. At Laguira, he and TAGGART formed a set of papers, to shew that TAGGART had purchased this cargo, with the proceeds of the outward cargo, owned by MANN and FOLTZ, and that he had shipped it for their account and risk, to be delivered to them at Charleston. With these papers the vessel sailed for Laguira, actually bound to Cadiz, but to touch

at

at Charleston, for the express purpose of procuring American papers, as fully appeared by the papers found concealed. NOILI staid at Laguira, and he mentions in one of his letters, his fear that if the English found him on board, it might condemn the whole. The vessel arrived safe at Charleston, the master having, with his false paper, deceived the officers of a British frigate, by whom he was examined during his passage. At Charleston he shipped a new crew, and having procured American papers of all kinds, without landing the cargo, he sailed for Cadiz.

"The master, and his brother the mate, whose name is SAMUEL TAGGART, were examined on oath; they call themselves citizens of Rhode-Island, and confirmed the account given of this vessel and cargo by her papers, and declared that no papers of any kind whatever had been destroyed or concealed in any shape. The crew having been shipped at Charleston, after this ship was ready for sea, could give no account about her. The cook, unfortunately for the concerned, had not been converted from the Christian to the Jacobin religion, and was foolish enough to believe that he was bound to tell the truth when examined on oath; and the stupid silly fellow told how SAMUEL TAGGART, the mate, after the vessel was brought to by the ships of war, ordered him to burn a quantity of papers, which from the appearance he supposed to be the log-book; that he burned the whole in the mate's presence. The master claimed this vessel and cargo for MANN and FOLTZ, and after the cause had been considerably investigated, several letters and papers were found concealed between the lining of the cabin and the stern-post of the ship, which gave the complete history of the ship and cargo, and fully proved, that the whole of the papers and affidavits

affidavits before mentioned were a composition of shameful falsehoods, fabricated by persons calling themselves American citizens, for the purpose of deceiving the British nation, and prevent its making prize of the property of its enemies. What they were to receive for their services is best known to themselves; though I believe, from the best information I can obtain, that the market was overstocked with the consciences of American neutrals, and that in the present enlightened century they sell for a very low rate. It was fully ascertained by these letters and papers, that this vessel and cargo belonged to, and were under the sole management of a Spaniard, named GUILLAUME NIOLI; that the whole of the cargo was put on board this vessel, at Laguira, under his sole direction and management; the register from the Spanish custom-house clearly showed the whole to be the property of Spanish merchants; and from it, and other papers, it fully appeared that MANN and FOLTZ did not own one shilling's worth of the property, unless they could pretend to own some cocoa and indigo, to the value of four thousand dollars, which NOILI directs his correspondent to deliver to their order at Cadiz, free of freight or commission, as he hoped they would charge no commission for the services at Charleston.

"After this statement, it is scarcely necessary that I should say the unjust judge (as this virtuous race of neutrals are pleased to stile the judge of the British Court of Admiralty) condemned both vessel and cargo; and I need not tell you how glad I am that the neat proceeds will, in a few days, be distributed among some of those brave men who are the defenders of the civilized world. But I cannot conclude without observing, that if this case should come to the knowledge of the American government, and it neglect to procure those papers

papers, and decorate the pillory with them, and the ears of the good citizens who fabricate them, I feel little doubt, in my opinion, that that feeble, philosophic government will soon pass away like an empty shadow; and it will remain with the people who profess the Christian religion, to unite in forming a strong and energetic government, sufficiently powerful to erase from the face of the earth a set of vile miscreants who deny the existence of God, and comfort their doubting converts with the hope, that, even if they should find death to be other than eternal sleep, yet that it would require only one grand revolutionary movement to republicanize the infernal regions, and establish a democracy in hell."

Such is republican morality! Such is the morality of a people, who have taken for their motto, "*Virtue*, *Liberty*, and *Independence!*" This letter was sent from Halifax to New-York, in April last; it was published in all the American papers not devoted to France, and the facts it states are incontrovertible; it being written by a gentleman who was in possession of all the papers named and alluded to.—This document should be read by every man, woman, and child in Great Britain.

After a specimen like this of neutral "*good* "*faith*," will even the *Morning Chronicle* have the impudence to censure the vigilance and "*rigour*" of his Majesty's naval commanders and Courts of Vice-Admiralty?—Yes, it will. But we shall not fail again to drag it forth, and again expose it to public execration. If its perseverance surpasses ours, it is highly gifted in that respect. We know that its sins are innumerable; but we have long had rods in soak for its chastisement.

JEFFERSON'S ELECTION TO THE OFFICE OF PRESIDENT OF THE UNITED STATES.

The progress and result of this election cannot be more correctly narrated, than in the extracts, which I here take from THE PORCUPINE, published in London.

" *Richmond*, 16*th Sept.* 1800.

" Mr. JEFFERSON's election appears to be ascertained without the shadow of doubt. He will have a majority of at least six votes, and we hope that that majority will be by twelve votes. The people of Virginia have long known his merits; and we are happy to find, that those merits are, at last, become known to the rest of the Union. ADAMS's aristocratical notions are universally exploded, and that admirer of the British Constitution will ere long be at perfect liberty to go and enjoy the benefits of what he so much admires.

" Our commissioners to the French Republic are, it is confidently reported, to become *the mediators between the powers of Europe!* If this should prove true, of which we have no doubt, the numerous phalanx of Tories must be confounded to see that country, which their haughty Britain despised, *chosen as the arbiter of her fate.* But we sincerely hope that American commissioners will never be found base enough to sacrifice the rights of other nations to the gratification of the pride of that overbearing power. We have her now *at our mercy*, and though we may, and ought *to suffer her to exist*, we ought not to forget her past conduct. We may spare

" her

" her life, but her power of doing mischief ought " to be taken from her."

" Our readers will observe, that this foolish, vain, and insolent paragraph is of *Virginian* production. This is not the language of the majority of the *American people*, properly so called, any more than the lies and impudence of the *Morning Chronicle* and the *Times* is the language of the people of Great Britain. We have little doubt, indeed, of the success of JEFFERSON's election; but we are far from believing that he will have a majority of twelve votes; and we can *assure* our readers, that England has nothing to dread from *any* election that may take place in that country. JEFFERSON hates Great Britain for several reasons; 1*st*, because she is the great bulwark against the horde of atheists and anarchists, of whom he is an avowed advocate; 2*nd*, because he, like a base coward as he is, fled at the approach of her armies; 3*d*, because he committed the sin of rebellion against her; and 4*th*, (which is, perhaps, the strongest reason of all) because *he owes her merchants a large sum of money*. But, deficient as the American Constitution is, it has provided a check, which, in any of his projects of hostility against England, even this malignant philosopher will find very troublesome. Though backed with a French majority in the *lower* House of Congress, he will find a *Senate* that will not easily yield to his measures. This Senate has a concurrent voice in all his promotions; and he can make no *treaty* without their *advice and consent*. To this Senate America hitherto owes its salvation. Had it not been for it, America would have been at war with England in the year 1795. This humble imitation of the British House of Peers, has, on numerous occasions, damped the fury of the lower

house, and checked the plague that threatened its country with destruction.

" It is possible, indeed, that before JEFFERSON's presidency expires, the Senate may be so altered, by subsequent elections, as to render a majority of that body totally devoted to France. But, supposing this to be the case, and even supposing a war with England to be the consequence, still we have nothing to fear. Such a war would be but of short duration; and, short as it would be, it would either produce a national bankruptcy and a separation of the States, or it would end in such concessions on the part of America as would lay the foundation of lasting harmony. Having experienced the miseries of a war with us, the people would compel their rulers to suffer them to live in peace. The *Morning Chronicle* and others, who attempt to scare us with the prospect of a war with America, are totally ignorant of the embarrassments of that country, of the decrepitude of its Government, of its want of resources, and of its natural incapacity for war, particularly a war with Great Britain. Our readers may rely with confidence on our former assertion, that if the United States are foolish and wicked enough to attempt to join their arms to those of our enemies, a breaking up of the Union, a national bankruptcy, and new revolution will be the almost immediate consequences."

By the Earl of Leicester Packet, which arrived at Falmouth (from New-York) on Thursday last, we have received our regular files of papers down to the 17th of September.

" We are sorry to perceive, that the *Yellow Fever* still rages with great violence in *Baltimore* and *Norfolk*, and that *Providence* (in Rhode Island) has been added to the list of infected places. People were still flying from those places on the 15th of Sep-

September: Philadelphia and New-York had prohibited all communication with them; and so great was the dread of infection at Philadelphia, that guards had been stationed to prevent persons arriving from Baltimore, from entering the former city. The *political pestilence*, however, seems to have raged with still greater violence, and to have excited greater alarm amongst all the thinking part of the nation. The newspapers are filled with the recriminations of the opposite parties. ADAMS and JEFFERSON are the candidates for the *Presidency*; PINCKNEY and BURR for the *Vice-Presidency*. Each party *affects* to be confident of success: but it is certain that one must fail; and our opinion is, that JEFFERSON will succeed. *All* that these "*virtuous* republicans" say of their respective candidates, and of each other, we have not room to insert. Let our readers take the following as a specimen. The partisans of JEFFERSON say, "ADAMS "wishes for monarchy; he has filled all the offices "with his relations and his creatures. In the be-"ginning of last month he declared, that the peo-"ple of the United States would never have *liberty* "and *happiness*, until their chief magistrate was "*hereditary*. Mr. TRACEY, his partisan, said, "that *the Constitution was not worth a farthing*, "and that we must have a permanent and *heredi-"tary Executive and Senate*." The partisans of ADAMS accuse JEFFERSON of every crime, political and irreligious, that can be conceived. One of the papers contains this pithy appeal: "People of "America, will you continue allegiance to GOD "AND A RELIGIOUS PRESIDENT; or im-"piously declare for JEFFERSON AND NO "GOD?" The fact is, that as far as *religion* is concerned, the choice of the poor Sovereign People lies between a *Socinian* and a *Deist!*

" According to the laudable custom of these " *virtuous*" and decent republicans, every principle of honour and honesty has, in this contest, been totally laid aside. Mutual hatred, mutual calumny and reproach, have distinguished the canvass. Private vices and foibles have been exposed and exaggerated; private conversations have been repeated and published; nor has this remorseless rancour spared even *private letters*, written in the hours of confidence and friendship! In short, the contending ambition of two insignificant individuals has convulsed the whole country; it has, to borrow a phrase from Rush (the famous American Sangrado), " shaken the gall-bladder" of the community, and ejected from its lungs a vomit a thousand times *blacker* than that of the Yellow Fever. In the words of our Prospectus, " a country, *once* the " seat of peace and good neighbourhood, is torn " to pieces by faction: plunged, by intriguing " demagogues, into never-ceasing hatred and " strife; expiating the crime of rebellion against " monarchy by enduring the tormenting, the de- " grading curse of republicanism." We have too high an opinion of the loyalty and good sense of Britons to suppose, that they stand in need of such an *example* as this to deter them from listening to those projects, of which the *Morning Chronicle* and other prints of the same stamp, are continually urging the adoption."

" Stick to the *Crown*, though you should find it hanging on a bush," was the precept of an old Loyalist to his children, at a time when loyalty was at a very low ebb in this island. The old man was right. He had a correct notion of the nature of Republican Government; and that our readers may have a notion of it equally correct, we shall lay before them a list of " a *few*" (such are the words of our autho-

authority) of the blessings of the Republican Government of America. The following extract is taken from an address to the people of Newcastle country, in the State of Delaware; which address was signed by JAMES TILTON, JOHN VAUGHAN, and JAMES WILSON, and was published in a paper, called the *Wilmington Mirror*, on the 12th of September, 1800.—We make no doubt that, notwithstanding this explicit reference to our authority; notwithstanding we only repeat the words of Americans; we make no doubt, that, notwithstanding this superabundant precaution, we shall be charged with illnature, harshness, virulence, and scurrility. Be it so: we deny the charge, and heartily despise the lukewarm candid cowards, by whom it is preferred. This species of animals (for we cannot with propriety call them *men*) are willing, gentle souls! to make every allowance for the "*severity*" (that's the term) of the partisans of Republican Government; they not only submit to the chastisement, but kiss the rod of republicanism. They do well. They merit all they receive; but *we* are not prepared to participate in their humiliation, and while we find only ten persons to join us, we shall continue to retaliate. One correspondent, who says he is our *well-wisher*, is afraid we shall "pro-" duce *a war* between this country and America, "*by publishing extracts from the American papers!*" Superlative cowardice! We want no such "*well-wishers.*" We trust that such remonstrances never come from *British* pens; could we suppose the contrary, we should be ready to forswear our country. Thus much by way of preface.

"Among the *more prominent* acts of the present "administration, we may enumerate our connex-" ions, by expensive agencies, &c. with foreign " courts.

" Undefined hostilities with the French Republic.

" We are paying an enormous tribute to the " petty tyrant of Algiers.

" We have an alien, and still have a sedition " law; by which many citizens have been disfran- " chised; and native Americans consigned to loath- " some dungeons for exercising the constitutional " privilege of public inquiry.

" We are struggling under a direct tax, with " heavy imposts:—raising money on loan at 8 per " cent; and our expenditures are increasing, while " our national debt is accumulating.

" We have supported an army in time of peace, " while our militia is neglected. ' The latter,' " said our departed Washington, ' is the natural " defence of a country.'

" We have an expensive, an ineffectual navy, " to support the interests of foreign merchants at " the sacrifice of naval, agricultural, and mechani- " cal interests.

" We have a variety of stock-jobbing acts which " have given birth to a system of speculation, " fraud, and bankruptcy.

" We have witnessed the fatal effects of a presi- " dential patronage.

" We have seen the balance of power between " the executive and judiciary departments destroyed " —our *legislators* have become *jurors* and *judges*, " as well as *law makers*. One of our district judges " has traversed the country in search of culprits, " has himself *arraigned, ordered the jury to indict*, " and has *previously pronounced condemnation*."

" To this last subject of complaint, we beg leave to request the particular attention of our readers; and, if the complaint be well-founded, we beg them to compare the conduct of republican legislators and judges, with that of the legislators and judges

judges of England. But, say they, *is* the complaint well founded? This we cannot swear for: but, as we stated before, it comes forth under the signature of three men, one of whom we know to be a man of great property, and of high reputation.

" Let it never be forgotten, that the opinions and the systems, which have shaken Europe to its very centre, had their rise in America. It is well enough for a man who wants to make money by a book, to attribute the troubles of the world to the conspiracy of a handful of shoeless German philosophers; such a man may trace Jacobinism up to Cain, and even to Adam, if he will; but for disinterested men to ascribe the French Revolution to the fooleries of Free-Masons, and the lack of Jesuits, is a most incredible abandonment of common sense. Not only the principles, but the mode of proceeding also, were copied from the Americans. *Declarations of Rights, Committees of Safety, Committees of Secrecy, Requisitions, Confiscations, Assignats, Mandats*, &c. &c. were they not *all* borrowed from America?

" Let it be remembered too, that it is the example of *successful* rebellion in America, that has ever since fed the flames of discontent in these kingdoms. In Ireland, more particularly, the spirit of resistance to lawful Government is to be attributed to this cause. Let any one turn to the publications in the papers called *The Press* and the *Northern Star*, and to the famous letter of *Mr. Grattan*, and deny, if he can, that this observation is just. Nay, who has been so superficial an observer of the productions of the British press, as not to know what use has been made of the same example here also? To say nothing of the pamphlets of PAINE, the *mischievous* parts of which were drawn from the same source, let any one look into the

the New Annual Register, the Monthly and Critical Reviews, the Monthly Magazine, a great number of books and pamphlets, and no small portion of the newspapers, and then say if *the example of America* has not been the principal fountain of that poisonous stream of republicanism, which has watered but too great a part of this island. When the people of these kingdoms are told that "*the best of governments*," and "*the most righteous of rulers*," have arisen out of a rebellion, and a rebellion too against George the Third, what is the natural, what the inevitable conclusion? And, is it not, then, the duty of every Englishman, who has it in his power, to remove such captivating, such dangerous delusion? And are we to be told that we are *illnatured* and *virulent*, because we endeavour to discharge this duty? We may; but we are resolved to proceed, and, if God grants us life and health, there shall not be a village in England, unpossessed of some proofs of "the blessings of Republican Government." This is a long-concerted and favourite project of ours, and we can assure our readers, that it is not a trifling difficulty that shall prevent its execution."

"We have received papers and letters from Philadelphia down to the 26th of October. The election of a President had been postponed till the 15th of November. The little despot, M'KEAN, who rules the good people, and the fruitful state of Pennsylvania, had issued a proclamation for assembling the Legislature in order to their passing of a law for regulating the mode of voting for presidential electors. It was thought that the two houses would disagree, and would rise without passing this law; but it was also thought, that M'KEAN, in order to throw fifteen electors into the scale of Mr. JEFFERSON, would, on his own authority, order the

the election to take place in the usual way. Should this be the case, these fifteen votes will be liable to be rejected by the Congress, and the consequences may be very serious.

The election for members of Congress and State Legislators had taken place, and the result had proved the increase of enmity to the Federal Government amazingly great. Districts, which only last year, gave a very great majority in favour of that Government, have this year given as great a majority against it. Even the city of Philadelphia itself, which, for several years past, has been decidedly in the Federal interest, has chosen a disaffected member of Congress.

" It was said that Mr. JAY, the governor of New-York, foreseeing that the legislature of that state would choose electors favourable to Mr. Jefferson, was resolved not to call a session, and thus deprive the state of its voice in the election. But, so bold, and, indeed, so unlawful a measure, is not to be expected from Mr. Jay, who, though he might prevent the election of Jefferson, would certainly stain his own character, and very probably plunge the country into an immediate civil war.

" COOPER of *Manchester*, had been released from prison, and, by way of recompence for his opposition to the Federal Government, had been promoted by the governor of Pennsylvania to the command of a regiment of militia; and a man of the name of FRIES, who had been pardoned for treason against the Federal Government, a few months before, had, by the same governor, been appointed a brigadier-general of militia! These are instances in which we perceive the glaring defects of the American constitution. Each state, from its being an independent sovereignty, is, except by mere chance, eternally at war with the general Government.

Thus

Thus has it always been, and thus it will ever be, while the present constitution lasts.

" The principal charge brought against Mr. ADAMS is, *his having been attached to monarchy*, and having actually conceived the plan of introducing that form of government into the United States. We are sincerely persuaded that this charge is false, but that circumstance is no obstacle to its being believed by the deluded people. To support the accusation, the most shameful means have been resorted to. His theoretical writings, his private letters, and his private conversations for years past, have been published in all manner of ways, and with comments the most uncandid. He has been betrayed by scores of persons, bound to him by every tie that can be supposed capable of restraining an inclination to injure his interest or his fame.—To the long catalogue of his false friends, the last papers have added the famous bleeding physician Dr. RUSH, on whom he had bestowed a lucrative sinecure, and who, foreseeing his approaching fall, is stated to have furnished " proofs of monarchism." In case this Number of THE PORCUPINE should ever fall into the hands of Mr. ADAMS, we beg leave to remind him, that he received timely warning respecting this treacherous hypocrite; that, he was told, that the day would come, when he would repent of having bestowed his confidence and the public money on Dr. RUSH.

" But, what effect will the result of this important election have on the connexion between America and Great-Britain? No *immediate* effect, unless a convulsion should be the consequence of disputed votes. The new President, though chosen in November, does not enter on his office till the ensuing March; and, therefore, no compact, of any sort, can be entered into with our enemies before the month of October, or thereabouts. Mr. Jefferson, should

should he be elected, will then have a Senate to check him; and, as he and his party will dread that separation, for which the Northern States are already ripe, it is probable that they will endeavour to conciliate instead of pushing matters to extremity. The Convention with France will have an effect very different from that which BONAPARTE and *The Morning Chronicle* anticipate with so much exultation. The people of America will not tranquilly put up with the loss of twenty-five millions of dollars, nor will the contemptuous insolence of the French, which the new Convention will bring among them, tend to make them bear that loss with better temper. The *Northern Confederacy*, if it should actually produce hostilities, will find no aid from the Americans, who will, on the contrary, take advantage of it to enrich themselves at the expense of Russia and Sweden. The late revolt too, amongst the negroes of Virginia and North Carolina, will make JEEFERSON and his party very cautious how they do any act which may stir the sleeping embers of that alarming fire, which, were it once rekindled, would probably make all the Southern States what Hispaniola now is, and fill the chair of JEFFERSON with a negro successor."

"We have this day received letters and papers from America, down to the 2d of November.—The election of President had not, of course, taken place; but the Congress was upon the point of meeting, and Mr. ADAMS (the President) had arrived at Philadelphia, in his way from Massachusets to the city of Washington.

"We have frequently had occasion to regret the shameful conduct of the political disputants in America; and it is not without great concern, that we now communicate to our readers the shocking

shocking proofs of what we have hitherto wished to disbelieve.

" It will be recollected, that Mr. JOHN ADAMS (the present President of the United States) was Ambassador at the Court of London from the year 1785 to the year 1788, when, the date of his commission having expired, he returned home to America. While he was in England he had with him, as his Secretary of Legation, his son-in-law, WILLIAM SMITH. Mr. ADAMS left SMITH behind him in London, with the hope of prevailing on General Washington and the Senate, to appoint him Ambassador in his stead. No Ambassador was appointed till the year 1792, when, notwithstanding all the efforts of Mr. ADAMS, his son-in-law was rejected, and the place was filled with Mr. THOMAS PINCKNEY, the predecessor of Mr. KING.

" Mr. ADAMS, mortified at the preference of the PINCKNEYS, missed no opportunity of showing his jealousy and hatred of that family. He had, during the years 1791 and 1792, been drawn into an intimacy with one TENCH COXE, who was, at that time, a commissioner of the revenue. COXE, who does not want for cunning, flattered the old man's prejudices, and, by degrees, became his confidant. Just before Mr. THOMAS PINCKNEY departed for England, COXE wrote Mr. ADAMS a letter, expressing a wish, that the new Ambassador could receive a lesson or two from him previous to his sailing. To this letter Mr. ADAMS gave the following answer:

" *Quincey, May* , 1792.

" DEAR SIR,

" The first thing I have to communicate to you must be an explanation of the date of my letter. The legislature of Massachusets last winter, upon a petition of the North Parish, in Braintree, separated it from the rest of the town, erected it into a new one, and gave it the name of Quincy. By this measure you see they have deprived me of my title of " *Duke of*

of Braintree," and made it necessary that my friends should write me in future as an inhabitant of Quincy. So much for this *brimborion*.

" Something that interests me much more is your obliging letter of the 12th of this month.

" I should have been happy to have seen Mr. Pinckney, before his departure, but more from individual curiosity, than from any opinion that I could have given him any information of importance to him. If he has the talent of searching hearts, he will not be long at a loss; if he has not, no information of mine can give it him.

" The *Duke of Leeds* once inquired of me, *very kindly*, after his class-mates at Westminster school, *the two Mr. Pinckneys, which induces me to conclude, that our new ambassador has many powerful old friends in England.* Whether this is a recommendation of him, for the office or not, *I have other reasons to believe that his family have had their eyes fixed upon the embassy to St. James's for many years, even before I was sent there; and that they contributed to limit the duration of my commission to three years, in order to make way for themselves to succeed me.* I wish they may find as much honour and pleasure in it as they expected, and that the public may derive from it dignity and utility. *But knowing as I do, the long intrigue, and suspecting as I do, much British influence in the appointment, were I in any executive department, I should take the liberty to keep a vigilant eye upon them.*

" Accept my thanks for your reflections on the state of the union, which I have read with all the pleasure which the intelligence, information, accuracy, and elegance of the remarks on Lord Sheffield inspired.

" There is one secret which you must be careful to keep, manufactures must have good government. They cannot exist where they are without it, much less can they be introduced where they are not. But a great part of the people of America appear to be so determined to have no government at all, that if you let them know the whole truth, you will excite an unmanageable party against manufactures. Manufactures cannot much less thrive, without honour, fidelity, punctuality, public and private faith, a sacred respect to property, and the moral obligations of promises and contracts, virtues and habits which never did, and never will generally prevail in any populous nation, without a decisive, as well as an intelligent and honest government. The science of political economy is but a late study, and is not yet generally understood among us. Though I have read most of the authors of reputation, on the subject, both among the French and the English, I pretend not to have digested any thing relative to it, with the precision of a master. But to me it appears, that the general interest of agriculture in particular, as well as of the nation in general, will

will be promoted by a discreet and judicious encouragement of manufactures, and that it is not the land-jobber who can be benefited in the rapid rise of his monopoly, by drawing every labouring hand into the wilderness to fell trees.

"The continual accession of foreigners will endanger and destroy our peace, if we know not how to govern them. They will moreover corrupt our elections, and tear us to pieces. Sufficient to the day, however, is its evil; and in that day and hour it always has been, and I doubt not, always will be given us to provide against its dangers.

"Yours, &c.

"JOHN ADAMS."

"*Tench Coxe, Esq.*"

The reader will readily perceive, that this letter was written in confidence, and that no part of it was ever intended to be shewn to a third person, much less to be *published* to the world. This consideration, however, had no weight with COXE, who having, in 1799, been *turned out of place*, became, of course, a bitter enemy to his former friend and patron. From this moment the treacherous COXE appears to have been constantly on the watch for an opportunity of gratifying his revenge, which opportunity offered itself in 1799, when ADAMS and PINCKNEY were, for the second time, proposed candidates for the chairs of President and Vice-President.

COXE did not, at once, *publish* the letter respecting PINCKNEY; he made the contents of it known to the printer of a Jacobin newspaper, who, thereupon, boldly declared (without giving his authority), that the Federal Government *had acted under the influence of British gold.* Mr. ADAMS, not dreaming that this assertion was made upon the strength of a statement of his own, ordered the printer to be prosecuted. A prosecution was accordingly instituted, and a bill was found against DUANE (the printer), in September 1799; but, to the astonishment of every one, the trial was, all at once, postponed to another term.

The

The cause of this postponement DUANE has since explained. He says, in his paper of the 3d Oct. 1800,

That, "Upon an offer of the Editor, by his counsel, to "produce *that letter* in Court, some confusion was manifested, "and some *legal pantomime* was played off, the trial was post- "poned. But the *indictment was withdrawn by order of the* "*President*, and that part taken from the indictment." He further says, that the Court, "contrary to right and to law, "*enjoined the Editor not to publish a word about its proceedings.*"

Notwithstanding this injunction, however, DUANE, who knew the value of Mr. ADAMS's letter, was resolved that it should not be thus strangled in its birth. He first attempted to make use of it as an instrument for creating a quarrel between ADAMS and the PINCKNEYS, which, he was in hopes, would lead to a division of the federal party. With this object in view, he, last winter, made three copies of the letter, two of which were handed to the PINCKNEYS, and the third to a member of the Senate. The PINCKNEYS flew to ADAMS, shewed him the letter, and asked him if it was authentic. ADAMS was frightened; he acknowledged the authenticity of the letter, but endeavoured to give it an explanation different from its apparent tenor. The PINCKNEYS, who are penetrating and high-spirited fellows, were not at all satisfied with this apology, which Mr. ROUTLEDGE, who was present, declared to be "*the most rascally shuffle he had ever* "*heard.*" Party considerations, however, stifled the resentment of the PINCKNEYS, who are said to have consented, that the injury should be buried in oblivion, provided that the New England friends of Mr. ADAMS would promise to support Mr. CHARLES COTES with PINCKNEY, jointly with Mr. ADAMS, at the ensuing election!

But the parties reckoned without their host. They appear to have forgotten, that it was not in

their power to bury the disgraceful fact in oblivion; and what is still more inexcusable in such able politicians, they neglected to *purchase the silence of* DUANE. This artful fellow, who was in the pay of the French, and of course entirely devoted to the cause of JEFFERSON, suffered the matter to sleep till about four months previous to the day of election for President: this was the favourable time for him to employ the fatal letter with effect; and, accordingly, he published it in all manner of forms, and circulated it through every possible channel.

The PINCKNEYS, not foreseeing this blow, were at a loss how to resist it. They suffered the letter to circulate for some time, without condescending to contradict it, thinking that, like a mad dog, it would soon exhaust itself. But the clamour against them grew so loud and so general, that, towards the middle of September, THOMAS PINCKNEY published the following letter, addressed to the printers of a newspaper at Charleston, South-Carolina.

" *Moultrieville, 15th Sept.* 1800.

" Messrs. FRENEAU and PAINE,

" A letter copied from a newspaper of Baltimore, having been inserted in your Gazette of Saturday last, signed JOHN ADAMS, and purporting, from its contents, to have been written to Mr. TENCH COXE, of Philadelphia, in the year 1792, wherein are contained some comments on *my appointment as minister plenipotentiary to the Court of Great Britain*—I think it right at present only to state, that this letter *either is a forgery* calculated for electioneering purposes, or *if genuine*, must have been founded on a *misapprehension of persons*. This last suggestion I infer from facts, alluded to in the letter, and from the subsequent nomination of my brother, *General Pinckney*, to two highly confidential offices by its *supposed writer*.

" To my fellow-citizens of South-Carolina, who have so often honoured me, by testimonies of their confidence, I should deem it unnecessary to urge a syllable of *justification* from such charges as are *implicated* in this production, however *authenticated*; but as it appears, from the time of its publication, to be

be calculated for more extensive influence, I have deemed it of importance publicly to state what is above, that those persons who may be unacquainted with the characters concerned, may be guarded *against giving credit*, either to the *authenticity* or *justice* of this performance, until the event of an investigation, which I will immediately commence, shall be made public.

" THOMAS PINCKNEY."

This letter must have been written, one would think, in a fit of insanity! How could a man like THOMAS PINCKNEY be so very foolish as to write and publish a letter like this! He *knew* that the letter was *not a* forgery: he knew that it was authentic: he knew that its authenticity had been acknowledged by Mr. ADAMS in his presence: and he further knew, that all these facts were well known to JEFFERSON and DUANE! No sooner, therefore, did this letter of THOMAS PINCKNEY reach Philadelphia, than DUANE published a narrative of the explanation and agreement that took place between Messrs. PINCKNEY and ADAMS, last winter. This involved PINCKNEY in fresh difficulties. The *authenticity* of the letter was now proved; and THOMAS PINCKNEY was compelled to call on ADAMS for a recantation, or to submit to the charge of having been the willing tool of a foreign court. He, as might well be expected, chose the former. He wrote to ADAMS, whom, it appears, he not only required to recant, but also to *publish his recantation*, which the latter actually did in the following letter, which we have taken from the New-York Gazette of the 29th of October last:

" *Philadelphia, October 27th*, 1800.

" DEAR SIR,

" It was only on yesterday that I received the letter you did me the honour to write me, on the 16th of September.—For the friendly and respectful stile in which it was written, I pray you to accept of my hearty thanks, and you shall receive in my answer all the satisfaction in my power to give you.

" Of the letter, which is published in my name, I have no copy nor any particular recollection. In general I remember, that when Mr. Coxe was assistant to the Secretary of the Treasury, he was very assiduous in his attentions to me—made me many visits at my house, and many invitations to his own, when I was at the seat of government, and wrote me many letters, when I was absent from it. I have also an indistinct idea of his writing me a letter before your embarkation for Europe, expressing a great anxiety that an interview should take place between you and me, before you should depart, and an opinion, that it would be in my power to communicate some useful information and advice, relative to the subject of your mission. As I knew of nothing that could make it necessary for you to take a journey to Quincey, or for me to go to Philadelphia, it is probable I wrote him something like the letter that is published. This, however, has been manifestly either so carelessly copied or unfaithfully printed, that I must refer to the original letter, which, if it is in my hand-writing, may be easily known.

" It may not be easy for me to give you a clear idea of the situation I was in, when that letter was written. In order to accomplish this necessary purpose as well as I can, it must be observed, that in May 1792, *it was my misfortune to be wholly unacquainted with all the gentlemen who bear the name of Pinckney*, I had never seen one of them in my life, as I can recollect, and knew not that there were more than two. When I heard of your appointment, *I recollected the conversation with the Marquis of Carmarthen, now Duke of Leeds, and imagined it probable, that his Lordship might have intimated, directly or indirectly, to some one near the President, that one of the Mr. Pinckneys would be agreeable at Court. I never had an idea of any other audience, than that which is very common in Europe, when one Government causes intimations to be given to another, that the appointment of some particular gentleman would be agreeable. And I now fully believe, that my suspicion of even that kind of influence was wholly unfounded in reality, though it had then some colour in appearance.* The other insinuation, concerning the Pinckney family, had no other foundation than this:—When I received my commission to the Court of St. James's, I observed in it a limitation to three years. As I did not recollect any example of this before, I was at a loss for the reason of it; but as I did not intend, at that time, to remain in Europe, even so long a time as three years, I thought very little of it, until afterwards on my arrival in London in 1785, I received information without inquiry, that Mr. Pinckney, a member of Congress, from South Carolina, had said, that,

" The limitation to three years had been inserted in my commission, for the purpose of getting rid of me; that the mission to London was too good a thing for me; and that the intention

intention was, as soon as I could be removed, to send a Mr. Pinckney, of South Carolina, in my room." When I heard of Mr. Pinckney's appointment, this London information came into my mind, and diverted me, because I supposed Mr. Pinckney, after eight years, had carried his point, and occasioned the sentiments expressed in the letter, which, from the sportive, playful, careless air of it throughout, must be easily perceived to have been confidential. It may be easily ascertained who was the Mr. Pinckney, who was a member of Congress in 1784 or 1785, when my commission was granted, and dated, and when the limitation to three years was inserted.

"On this occasion, it is but justice and duty in me to declare, that I have not at this time the smallest reason to believe or suspect, that you or your brother ever solicited any appointment under government, abroad or at home; that the whole conduct of both, as far as it has come to my knowledge, (and I have had considerable opportunities to know the conduct of both since 1792) has shown minds candid, able and independent, *wholly free from any kind of influence from Britain, and from any improper bias in favour of that country or any other; and that both have rendered, with honour and dignity to themselves, great and important services to our country. And I will add in the sincerity of my heart, that I know of no two gentlemen, whose characters and conduct are more deserving of confidence.*

"I cannot conclude without observing, that we are fallen on *evil times*—on evil times indeed are we fallen, if every conversation is immediately to be betrayed and misrepresented in newspapers, and if every frivolous and confidential letter is to be dragged by the hand of treachery from its oblivion of eight years, and published by malice and revenge, for the purpose of making mischief.

"I am, Sir, with great truth and regard,
"Your friend and humble servant,
"JOHN ADAMS."

The Honourable THOMAS PINCKNEY, Esq.
Charleston, South Carolina.

As your letter has been so long on the way to me, I shall publish this answer immediately, which I hope you will excuse.

By comparing this letter with the letter of COXE, the reader will clearly perceive what a dilemma Mr. ADAMS has reduced himself to. If his insinuations were founded in truth, what shall we say of his letter to PINCKNEY? And, if they were not founded in truth, what shall we say of his letter to COXE?

That he has been most shamefully betrayed is certain; and all the world must detest the treacherous wretch, who, to answer party purposes, could so readily divulge, and publish, the confidential expressions of his friend. But while we execrate the conduct of COXE, it is impossible for us to refrain from condemning that of Mr. ADAMS.

The close of the poor old man's letter to PINCKNEY is truly pathetic: "*on evil times, indeed, are "we fallen*, if every frivolous and *confidential letter* "is to be dragged, *by the hand of treachery*, from "its oblivion of eight years, and *published by ma-* "*lice and revenge, for the purpose of making mis-* "*chief.*"—Excellent observation! But, does Mr. ADAMS recollect no other instance of this species of perfidy and malice? Does he not recollect, that Doctor FRANKLIN, (the "old Zanga of "Boston,") purloined the letters of Governor HUTCHINSON and Lieut. Governor OLIVER, with those of several other persons, and conveyed them to the Assembly of Massachusetts; which Assembly *voted him their thanks for so doing*; and of which Assembly, we believe, Mr. JOHN ADAMS *was a member!!*—"His mischief shall return upon "his own head, and his violent dealing shall come "down upon his own pate."

ADAMS's PUBLIC CONDUCT.

Review of a Letter from Mr. ALEXANDER HAMILTON, *concerning the Public Conduct of Mr.* ADAMS, *President of the United States, published at New-York, in August,* 1800.—*From the* Anti-Jacobin Review.

MOST of our readers are well acquainted with the character of Mr. HAMILTON: to such as are not, it may be proper for us to state some circumstances

stances respecting a person, who has rendered himself famous in the American annals, who long has been, and who yet is, a leading man in the United States.

This gentleman, who is a native of the West Indies, having been, early in life, connected with a mercantile house at New-York, went to take up his residence in that city, not many years before the breaking out of that revolt, which, by the *humane* instrumentality of a Howe and a Shelburne, terminated in the total separation of the colonies from the mother country. Mr. Hamilton entered into the American army at a very early stage of the contest, and was soon distinguished for his discretion and his valour. His high reputation for both procured him the post of Aid-de-Camp to General Washington, whose fame is, perhaps, more indebted to Mr. Hamilton than to any intrinsic merit of his own.

In the history of the war, we find Mr. Hamilton rising from rank to rank, till, at the siege of York town, we see him a Colonel, commanding the attack on one of the redoubts, the capture of which decided the fate of Lord Cornwallis and his army. Mr. Hamilton's conduct on this occasion was such as marks the true hero. Previously to the assault, La Fayette, who was high in command in the American army, proposed to Washington to put to death all the British officers and soldiers that should be taken in the redoubts. Washington, who, as Dr. Smyth truly observes, "never did one generous action in his life," replied, that, as the Marquis had the chief command of the assault, "he might *do as he pleased.*" This answer, which was very much like that of Pontius Pilate to the Jews, encouraged the base and vindictive Frenchman to give a positive order to Colonel Hamilton to execute his bloody intention. After the re-

doubts were subdued, La Fayette asked why his order had not been obeyed, to which the gallant and humane Hamilton replied, "that the Americans knew how to *fight*, but not to *murder*," in which sentiment he was joined by the American soldiers, who heard the remonstrance of La Fayette with indignation and abhorrence*.

The war being at an end, the army disbanded, and no provision made for either soldiers or officers, Mr. Hamilton was led to the profession of the law. He retired to Albany, where he secluded himself from the world for some months, at the end of which he was admitted to the bar, and, to the utter astonishment of every one, was, in a very little time, regarded as the most eminent advocate at a bar, which is far from being destitute either of legal knowledge or rhetorical talents. In this situation he acquired still greater honour by his courageous resistance of those violent and unjust measures which were proposed, and, in some cases, carried into execution, against the property and the persons of the loyalists, who remained in the state after the evacuation of the city of New-York. He had fought bravely against them, and he now, as bravely, defended them against the persecution of those selfish and malignant cowards, who had never dared to face them in the field: and, it may be safely asserted, that the state of New-York owed the restoration of its tranquillity and credit to his exertions more than to any other cause whatever.

When the federal government was established, in the year 1788, Mr. Hamilton was appointed Secre-

* For a detail of these facts the reader is referred to the *American* account of the revolutionary war, published by Dobson of Philadelphia, and inserted in the American edition of the Encyclopædia Britannica.

tary

tary of the Treasury, an office, in America, similar to those of our Lord Treasurer and Chancellor of the Exchequer joined in one. This situation, considering the state of the American finances, and the total want of public credit that prevailed, was a most arduous one; but Mr. Hamilton's genius, his inflexible integrity, and his indefatigable industry, surmounted all obstacles. In a very short space, the American government regained the lost confidence of both natives and foreigners; the payment of the public debts was provided for, trade and commerce revived, and the nation rose to that importance, to which, without Mr. Hamilton's measures, it never would have attained.

Having thus grafted the soldier upon the merchant, and the statesman upon the lawyer; having excelled his contemporaries in all these widely various professions, he was justly regarded as a man, to whom the nation might look with confidence in any future crisis of its affairs. The weight which his advice always had with General Washington was well known; his ambition was gratified, as far as it could be, under a government like that of America; but ambition cannot supply the place of the means of existence, and Mr. Hamilton, after having, for eight years, helped out his salary by the small fortune he had acquired at the bar, was absolutely compelled, by the foolish parsimony of the government, to return to that bar, in order to retrieve the losses which he had sustained, and to pay the debts which he had contracted, in the service of his country!

At the approach of the expected war with France, in 1798, he was appointed Major-General and Inspector-General of the army of the United States, which nominally placed him next in command to General Washington, and, in reality, made him first in command, because it was stipulated, that General

General Washington should not act, unless the army was called into the field.

Such is the author of the work which we are about to examine, and which we consider as of very great importance, as it fixes the character, and presents an authentic account of the conduct of one of those men who have been chosen to preside over the affairs of the American Republic.

At the approach of the last election for President, it appears, that the party, called Federalists, from their avowed attachment to the federal or general government, were somewhat divided in their opinions respecting the merits of Mr. Pinckney and Mr. Adams. Adams's partisans wished to prevent Pinckney from having an equal number of votes with the man of their particular choice, and, by this means, to exclude him from all chance of the Presidency. Others thought that Pinckney was entitled to, at least, equal support with Adams. Amongst these was Mr. Hamilton, who warmly espoused the cause of Mr. Pinckney, and who, having been basely slandered on that account, by Adams and his party, but more particularly by Adams himself, published the letter before us, as a justification of his own conduct, and as a means of inducing his fellow citizens to believe, that Adams was by no means superior to Pinckney. The object of the publication is thus stated by the writer.

"Some of the warm personal friends of Mr. Adams are taking unwearied pains to disparage the motives of those federalists who advocate the equal support of General Pinckney at the approaching election of President and Vice-President. They are exhibited under a variety of aspects equally derogatory. Sometimes they are versatile, factious spirits, who cannot be long satisfied with any chief, however meritorious:— Sometimes they are ambitious spirts, who can be contented with no man that will not submit to be governed by them:— Sometimes they are intriguing partisans of Great Britain, who, devoted to the advancement of her views, are incensed against Mr. Adams for the independent impartiality of his conduct.

"In

" In addition to a full share of the obloquy vented against this description of persons collectively, peculiar accusations have been devised to swell the catalogue of my demerits. Among these, the resentment of disappointed ambition forms a prominent feature. It is pretended, that had the President, upon the demise of General Washington, appointed me Commander in Chief, he would have been, in my estimation, all that is wise, and good, and great.

" It is necessary, for the public cause, to repel these slanders: by stating the real views of the persons who are calumniated, and the reasons of their conduct.

" In executing this task, with particular reference to myself, I ought to premise, that the ground upon which I stand is different from that of most of those who are confounded with me as in pursuit of the same plan. While our object is common, our motives are variously dissimilar. A part, well affected to Mr. Adams, have no other wish than to take a double chance against Mr. Jefferson. Another part, feeling a diminution of confidence in him, still hope that the general tenor of his conduct will be essentially right. Few go as far in their objections as I do. Not denying to Mr. Adams patriotism and integrity, and even talents of a certain kind, I should be deficient in candour, were I to conceal the conviction, that he does not possess the talents adapted to the *administration* of government, and that there are great and intrinsic defects in his character, which unfit him for the office of Chief Magistrate."

The author proceeds to state several facts to prove the weakness, vanity, jealousy, and enviousness, of Adams, from which we select the following:

" Strong evidence of some traits of this character is to be found in a journal of Mr. Adams, which was sent by the then Secretary of Foreign Affairs to Congress. The reading of this journal extremely embarrassed his friends, especially the delegates of Massachusetts, who, more than once, interrupted it, and, at last, succeeded in putting a stop to it, on the suggestion that it bore the marks of a private and confidential paper, which, by some mistake, had gotten into its present situation, and never could have been designed as a public document for the inspection of Congress. The good humour of that body yielded to the suggestion.

" The particulars of this journal cannot be expected to have remained in my memory—but I recollect one, which may serve as a sample. Being among the guests invited to dine with the Count de Vergennes, Minister for Foreign Affairs, Mr. Adams thought fit to give a specimen of American politeness, by conducting Madame de Vergennes to dinner. In the way, she was pleased to make retribution in the current coin of French politeness—by saying

saying to him: *Monsieur* Adams, *vous êtes le* Washington *de négociation.* Stating the incident, he makes this comment upon it: "These people have a very pretty knack of paying compli- "ments." He might have added, they have also a very dextrous knack of disguising a sarcasm.

"The opinion, however, which I have avowed, did not prevent my entering cordially into the plan of supporting Mr. Adams for the office of Vice-President under the new constitution. I still thought that he had high claims upon the public gratitude, and possessed a substantial worth of character, which might atone for some great defects. In addition to this, it was well known that he was a favourite of New England, and it was obvious that his union with General Washington would tend to give the government, in its outset, all the strength which it could derive from the character of the two principal magistrates. But it was deemed an essential point of caution to take care, that accident, or an intrigue of the opposers of the government, should not raise Mr. Adams, instead of General Washington, to the first place. This, every friend of the Government would have considered as a disastrous event; as well because it would have displayed a capricious operation of the system in elevating to the first station a man intended for the second; as because it was conceived that the incomparable superior weight and transcendent popularity of General Washington, rendered his presence at the head of the government, in its first organization, a matter of primary and indispensable importance. It was therefore agreed that a few votes should be diverted from Mr. Adams to other persons, so as to ensure to General Washington a plurality

"Great was my astonishment, and equally great my regret, when, afterwards, I learned from persons of unquestionable veracity, that Mr. Adams *had complained of unfair treatment,* in not having been *permitted to take an equal chance with General Washington,* by leaving the votes to an uninfluenced current.

"The extreme egotism of the temper, which could blind a man to considerations so obvious as those that had recommended the course pursued, cannot be enforced by my comment. It exceeded all that I had imagined, and shewed, in too strong a light, that the vanity which I have ascribed to him, existed to a degree that rendered it more than a harmless foible."

When General Washington declared his intention of retiring from the Presidency, Messrs. Adams and Thomas Pinckney were proposed, by the federal party, as the candidates at the ensuing election. Mr. Hamilton's account of the plans of party, and of the conduct of Adams, on that occa-

occasion, gives us a tolerable correct idea of the real weight which the voice of the people has in republican elections, and also of the *patriotism* of a republican Chief Magistrate.

" The epoch at length arrived, when the retreat of General Washington made it necessary to fix upon a successor. By this time, men of principal influence in the federal party, whose situation had led them to an intimate acquaintance with Mr. Adams's character, began to entertain serious doubts about his fitness for the station; yet, his pretensions, in several respects, were so strong, that after mature reflection, they thought it better to indulge their hopes than to listen to their fears. To this conclusion, the desire of preserving harmony in the federal party, was a weighty inducement. Accordingly, it was determined to support M. Adams for the chief magistracy.

" It was evidently of much consequence to endeavour to have an eminent federalist Vice-President. Mr. Thomas Pinckney, of South Carolina, was selected for this purpose. This gentleman, too little known in the north, had been all his lifetime distinguished in the south, for the mildness and amiableness of his manners, the rectitude and purity of his morals, and the soundness and correctness of his understanding, accompanied by an habitual discretion and self-command, which has often occasioned a parallel to be drawn between him and the venerated Washington. In addition to these recommendations, he had been, during a critical period, our Minister at the Court of London, and recently Envoy Extraordinary to the Court of Spain; and in both these trusts, he had acquitted himself to the satisfaction of all parties. With the Court of Spain he had effected a treaty, which removed all the thorny subjects of contention, that had so long threatened the peace of the two countries, and stipulated for the United States, on their southern frontier, and on the Mississippi, advantages of real magnitude and importance.

" Well-informed men knew that the event of the election was extremely problematical; and, while the friends of Mr. Jefferson predicted his success with sanguine confidence, his opposers feared that he might have at least an equal chance with any federal candidate.

" To exclude him was deemed, by the federalists, a primary object. Those of them who possessed the best means of judging, were of opinion that it was far less important, whether Mr. Adams or Mr. Pinckney was the successful candidate, than that Mr. Jefferson should not be the person; and on this principle, it was understood among them, that the two first mentioned gentlemen should be equally supported; leaving to casual

sual accessions of votes in favour of the one or the other, to turn the scale between them.

"In this plan I united with good faith; in the resolution, to which I scrupulously adhered, of giving to each candidate an equal support. This was done, wherever my influence extended; as was more particularly manifested in the state of New-York, where all the electors were my warm personal or political friends, and all gave a concurrent vote for the two federal candidates.

"It is true, that a faithful execution of this plan would have given Mr. Pinckney a somewhat better chance than Mr. Adams; nor shall it be concealed, that an issue favourable to the former would not have been disagreeable to me; as indeed I declared at the time, in the circles of my confidential friends. My position was, that if chance should decide in favour of Mr. Pinckney, it probably would not be a misfortune; since he, to every essential qualification for the office, added a temper far more discreet and conciliatory than that of Mr. Adams.

"This disposition, on my part, at that juncture, proves, at least, that my approbation of Mr. Adams has not originated in the disappointment to which it has been uncandidly attributed. No private motive could then have entered into it. Not the least collision or misunderstanding had ever happened between that gentleman and myself; on the contrary, as I have already stated, I had reason individually to be pleased with him.

"No; the considerations which had reconciled me to the success of Mr. Pinckney, were of a nature exclusively public. They resulted from the disgusting egotism, the distempered jealousy, and the ungovernable indiscretion of Mr. Adams's temper, joined to some doubts of the correctness of his maxims of administration. Though in matters of finance he had acted with the federal party; yet he had, more than once, broached theories at variance with his practice. And in conversation, he repeatedly made excursions into the field of foreign politics, which alarmed the friends of the prevailing system.

"The plan of giving equal support to the two federal candidates was not pursued. Personal attachment for Mr. Adams, especially in the New England States, caused a number of the votes to be withheld from Mr. Pinckney, and thrown away. The result was that Mr. Adams was elected President by a majority of two votes, and Mr. Jefferson Vice-President.

"This issue demonstrated the wisdom of the plan which had been abandoned, and how greatly, in departing from it, the cause had been sacrificed to the man. But for a sort of miracle, the departure would have made Mr. Jefferson President. In each of the states of Pennsylvania, Virginia, and North Carolina, M. Adams had one vote. In the two latter states, the one vote was as much against the stream of popular prejudice, as

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it was against the opinion of the other electors. The firmness of the individuals, who separated from their colleagues, was so extraordinary, as to have been contrary to all probable calculation. Had only one of them thrown his vote into the other scale, there would have been an equality and no election. Had two done it, the choice would have fallen upon Mr. Jefferson.

" No one, sincere in the opinion that this gentleman was an ineligible and dangerous candidate, can hesitate in pronouncing, that in dropping Mr. Pinckney, too much was put at hazard; and that those who promoted the other course, acted with prudence and propriety.

" It is a fact, which ought not to be forgotten, that Mr. Adams, who had evinced discontent, because he had not been permitted to take an equal chance with General Washington, was engaged with all those who had thought that Mr. Pinckney ought to have had an equal chance with him. But in this there is perfect consistency. The same turn of temper is the solution of the displeasures in both cases.

" It is to this circumstance of the equal support of Mr. Pinckney, that we are in a great measure to refer the serious schism which has since grown up in the federal party.

" Mr. Adams never could forgive the men who had been engaged in the plan; though it embraced some of his most partial admirers. He has discovered bitter animosity against several of them. Against me, his rage has been so vehement, as to have caused him more than once, to forget the decorum, which, in his situation, ought to have been an inviolable law. It will not appear an exaggeration to those who have studied his character, to suppose that he is capable of being alienated from a system to which he has been attached, because it is upheld by men whom he hates. How large a share this may have had on some recent aberrations, cannot easily be determined."

Mr. Hamilton next adverts to the letter, which, upon Mr. Thomas Pinckney's appointment as Envoy to the Court of London, Adams wrote to Tench Coxe, of Philadelphia. This is truly a most base and infamous transaction. We shall give Mr. Hamilton's account of it at length.

" The letter which has just appeared in the public prints, written by him, while Vice-President, to Tench Coxe, is of itself evidence of the justness of this sentiment. It is impossible to speak of this transaction in terms suitable to its nature, without losing sight that Mr. Adams is President of the United States.

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" This letter avows the *suspicion*, that the appointment of Mr. Pinckney to the Court of London, had been procured or promoted by British influence. And considering the parade with which the story of the Duke of Leeds is told, it is fair to consider that circumstance as the principal, if not the sole, ground of the odious and degrading suspicion.

" Let any man of candour or knowledge of the world, pronounce on this species of evidence.

" It happened, unfortunately for the Pinckneys, that, while boys, and long before our revolution, they went to school with a British Duke, who was afterwards Minister of the British government for the foreign department. This indiscreet Duke, perhaps for no better reason than the desire of saying something to a parting American minister, and the want of something better to say, divulges to him the dangerous secret, that the two Pinckneys had been his class-mates, and goes the alarming length of making inquiry about their health. From this it is sagaciously inferred, that these gentlemen have " *many powerful old friends in England*;" and from this again, that the Duke of Leeds (of course of the number of these old friends) had procured by intrigue the appointment of one of his class-mates to the Court of London; or, in the language of the letter, that much British influence had been exerted in the appointment.

" In the school of jealousy, stimulated by ill-will, logic like this may pass for substantial; but what is it in the school of reason and justice?

" Though this contaminating connexion of the Pinckneys with the Duke of Leeds, in their juvenile years, did not hinder them from fighting for the independence of their native country throughout our revolution; yet, the supposition is, that the instant the war was terminated, it transformed them from the soldiers of liberty into the tools of the British monarchy.

" But the hostility of the Pinckneys to Mr. Adams, evidenced by their " long intrigue" against him, of which he speaks in the letter, is perhaps intended as a still stronger proof of their devotion to Great Britain—the argument may be thus understood. Mr. Adams is the bulwark of his country against foreign influence—The batteries of every foreign power desirous of acquiring an ascendant in our affairs, are of consequence always open against him—and, the presumption therefore must be, that every citizen who is his enemy, is the confederate of one or another of those foreign powers.

" Let us, without contesting this argument of self-love, examine into the facts upon which its applicability must depend.

" The evidence of " the long intrigue" seems to be, that the family of the Pinckneys contributed to limit the duration of Mr. Adams's commission to the Court of London to the term of three years, in order to make way for some of themselves to succeed

succeed him. This, it must be confessed, was a long-sighted calculation in a governor like ours.

" A summary of the transaction, will be the best comment on the inference which has been drawn.

" The resolution of Congress by which Mr. Adams's commission was limited, was a general one, applying to the commissions of all ministers to foreign courts. When it was proposed and adopted, it is certain that neither of the two Pinckneys was a member of Congress; and it is believed they were both at Charleston, in South Carolina, their usual place of abode, more than eight hundred miles distant from the seat of government.

" But they had, it seems, a *cousin*, Mr. Charles Pinckney, who was in Congress; and this cousin it was who supported the restrictive resolution. Let us inquire who seconded and voted for it.

" It was seconded by Mr. Howell, a member from Rhode Island, *the very person who nominated Mr. Adams as Minister to Great Britain*, and was voted for by the four eastern states, with New York, New Jersey, Maryland, and South Carolina. Mr. Gerry, always a zealous partisan of Mr. Adams, was among the supporters of the resolution. To make out this to be a machination of the two Pinckneys, many things must be affirmed:—First, that their cousin Charles is always subservient to their views (which would equally prove that they have long been, and still are, opposers of the federal administration:)—Second, that this cunning wight has been able to draw the *four eastern states* into his plot, as well as New York, New Jersey, Maryland, and South Carolina:—Third, that the Pinckneys could foresee, at the distance of three years, the existence of a state of things which would enable them to reap the fruit of their contrivance.

" Would not the circumstances better warrant the suspicion that the resolution was a contrivance of the friends of Mr. Adams, to facilitate in some way his election, and that Mr. Pinckney was their coadjutor, rather than their prompter?

" But the truth most probably is, that the measure was a mere precaution to bring under frequent review the propriety of continuing a minister at a particular court, and to facilitate the removal of a disagreeable one, without the harshness of formally displacing him. In a policy of this sort, the cautious maxims of New England would very naturally have taken a lead.

" Thus in the very grounds of the suspicion, as far as they appear, we find its refutation. The complete futility of it will now be illustrated by additional circumstances.

" It is a fact, that the rigour with which the war was prosecuted by the British armies in our southern quarter, had produced among the friends of our revolution there, more animo-

sity against the British government, than in the other parts of the United States: and it is a matter of notoriety, in the same quarter, that this disposition was conspicuous among the Pinckneys, and their connexions. It may be added, that they were likewise known to have been attached to the French Revolution, and to have continued so, till long after the appointment of Mr. Thomas Pinckney to the Court of London.

"These propensities of the gentlemen were certainly not such as to make them favourites of Great Britain, or the appointment of one of them to that court, an object of particular solicitude.

"As far as appeared at the time, the idea of nominating Mr. Thomas Pinckney, originated with the then President himself: but whatever may have been its source, it is certain that it met the approbation of the whole administration, Mr. Jefferson included. This fact alone, will go far to refute the surmise of a British agency in the appointment.

"Supposing that, contrary to all probability, Great Britain had really taken some unaccountable fancy for Mr. Pinckney, upon whom was her influence exerted?

"Had the virtuous, circumspect *Washington* been ensnared in her insidious toils? Had she found means for once to soften the stern, inflexible hostility of Jefferson? Had Randolph been won by her meretricious caresses? Had Knox, the uniform friend of Mr. Adams, been corrupted by her seducing wiles? Or was it all the dark work of the *alien* Secretary of the Treasury? Was it this arch juggler, who debauched the principles, or transformed the prejudices, of Mr. Pinckney; who persuaded the British government to adopt him as a pliant instrument; who artfully induced the President to propose him as of his own selection; who lulled the zealous vigilance of Jefferson and Randolph, and surprised the unsuspecting frankness of Knox?

"But when the thing had been accomplished, no matter by what means, it was surely to have been expected that the man of its choice would have been treated at the Court of London with distinguished regard, and that his conduct towards that Court would have been marked, if not by some improper compliances, at least by some displays of extraordinary complaisance.

"Yet, strange as it may appear, upon Mr. Adams's hypothesis, it might be proved, if requisite, that neither the one nor the other took place. It might be proved that, far from Mr. Pinckney's having experienced any flattering distinctions, incidents not pleasant to his feelings had occurred, and that in the discharge of his official functions, he had advanced pretensions in favour of the United States, from which, with the approbation of the then Secretary of State, Mr. Jefferson, he was instructed to desist.

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"What will Mr. Adams or his friends reply to all these facts? How will he be excused for indulging and declaring, on grounds so frivolous, a suspicion so derogatory, of a man so meritorious—of a man who has acted in a manner so unexceptionable?

"But a more serious question remains: How will Mr. Adams answer to the government and to his country, for having thus wantonly given the sanction of his opinion to the worst of the aspersions which the enemies of the administration have impudently thrown upon it? Can we be surprised that such a torrent of slander was poured out against it, when a man, the second in official rank, the second in the favour of the friends of the government, stooped to become himself one of its calumniators?—*It is peculiarly unlucky for Mr. Adams in this affair, that* HE HIMSELF *is known to have desired, at the time, the appointment which was given to Mr. Pinckney.* The President declined the measure, thinking that it was compatible neither with the spirit of the constitution nor with the dignity of the Government, to designate the Vice-President to such a station.

"This letter, better than volumes, developes the true, the unfortunate character of Mr. Adams."

The Author might further have observed, that Adams, having been refused the appointment for himself, asked it for his son-in-law, William Smith, which request was also refused by General Washington. Hence his hatred of the Pinckneys and his foul insinuations against them in his letter to Coxe.

Mr. Hamilton next enters into an examination of Adams's conduct *as President.*

"It will be recollected that General Pinckney, the brother of Thomas, and the gentleman now supported together with Mr. Adams, had been deputed by President Washington, as successor to Mr. Monroe, and had been refused to be received by the French government in his quality of Minister Plenipotentiary.

"This, among those of the well informed, who felt a just sensibility for the honour of their country, excited much disgust and resentment. But the opposition party, ever too ready to justify the French government at the expense of their own, vindicated or apologized for the ill treatment: and the mass of the community, though displeased with it, did not appear to feel the full force of the indignity.

"As a final effort for accommodation, and as a mean, in case of failure, of enlightening and combining public opinion, it

was resolved to make another and a more solemn experiment. in the form of a commission of three.

" This measure (with some objections to the detail) was approved by all parties; by the Anti federalists, because they thought no evil so great as the rupture with France; by the Federalists, because it was their system to avoid war with every power, if it could be done without the sacrifice of essential interests or absolute humiliation.

" Even such of them who conceived that the insults of the French government, and the manifestation of its ill-will, had already gone far enough to call for measures of vigour; perceiving that the nation was not generally penetrated with the same conviction, and would not support with zeal measures of that nature, unless their necessity was rendered still more apparent, acquiesced in the expediency of another mission. They hoped that it would serve either to compose the differences which existed, or to make the necessity of resistance to the violence of France, palpable to every good citizen.

" The expediency of the step was suggested to Mr. Adams, through a federal channel, a considerable time before he determined to take it. He hesitated whether it could be done after the rejection of General Pinckney, without national debasement. The doubt was an honourable one; it was afterwards very properly surrendered to the cogent reasons which pleaded for a further experiment.

" The event of this experiment is fresh in our recollection. Our envoys, like our minister, were rejected. Tribute was demanded as a preliminary to negotiation. To their immortal honour, though France at the time was proudly triumphant, they repelled the disgraceful pretension. Americans will never forget that General Pinckney was a member, and an efficient member, of this commission.

" This conduct of the French government, in which it is difficult to say, whether despotic insolence or unblushing corruption was most prominent, electrified the American people with a becoming indignation. In vain the partisans of France attempted to extenuate. The public voice was distinct and audible. The nation, disdaining so foul an overture, was ready to encounter the worst consequences of resistance.

" Without imitating the flatterers of Mr. Adams, who, in derogation from the intrinsic force of circumstances, and from the magnanimity of the nation, ascribe to him the whole merits of producing the spirit which appeared in the community, it shall with cheerfulness be acknowledged, that he took upon the occasion a manly and courageous lead—that he did all in his power to rouse the pride of the nation—to inspire it with a just sense of the injuries and outrages which it had experienced, and to dispose it to a firm and magnanimous resistance; and that his efforts contributed materially to the end.

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"The friends of the government were not agreed as to ulterior measures. Some were for immediate and unqualified war; others for a more mitigated course; the dissolution of treaties, preparation of force by land and sea, partial hostilities of a defensive tendency; leaving to France the option of seeking accommodation, or proceeding to open war. The latter course prevailed.

"Though not as bold and energetic as the other; yet, considering the prosperous state of French affairs, when it was adopted, and how many nations had been appalled and prostrated by the French power—the conduct pursued bore sufficiently the marks of courage and elevation to raise the national character to an exalted height throughout Europe.

"Much is it to be deplored that we should have been precipitated from this proud eminence without necessity, without temptation.

"The latter conduct of the President forms a painful contrast to his commencement. Its effects have been directly the reverse. It has sunk the tone of the public mind—it has impaired the confidence of the friends of the government in the Executive Chief—it has distracted public opinion—it has unnerved the public councils—it has sown the seeds of discord at home, and lowered the reputation of the government abroad.—The circumstances which preceded, aggravate the disagreeableness of the results. They prove that the injudicious things which have been acted, were not the effects of any regular plan, but the fortuitous emanations of momentary impulses.

"The session, which ensued the promulgation of the dispatches of our commissioners, was about to commence. Mr. Adams arrived at Philadelphia from his seat at Quincey. The tone of his mind seemed to have been raised, rather than depressed.

"It was suggested to him, that it might be expedient to insert in his speech of Congress, a sentiment of this import: That after the repeatedly rejected advances of this country, its dignity required that it should be left with France in future to make the first overture; that if, desirous of reconciliation, she should evince the disposition by sending a minister to this government, he would be received with the respect due to his character, and treated with in the frankness of a sincere desire of accommodation.

"The suggestion was received in a manner both indignant and intemperate.

"Mr. Adams declared as a sentiment, which he had adopted on mature reflection:—*That if France should send a Minister to-morrow, he would order him back the day after.*

"So imprudent an idea was easily refuted. Little argument was requisite to shew that by a similar system of retaliation, when one government in a particular instance had refused the

envoy of another, nations might entail upon each other perpetual hostility; mutually barring the avenues of explanation.

"In less than forty-eight hours from this extraordinary sally, the mind of Mr. Adams underwent a total revolution. He resolved not only to insert in his speech the sentiment which had been proposed to him, but to go farther, and to declare, *that if France would give explicit assurances of receiving a Minister from this country, with due respect, he would send one.*

"In vain was this extension of the sentiment opposed by all his ministers, as being equally incompatible with good policy, and with the dignity of the nation—he obstinately persisted, and the pernicious declaration was introduced."

But the still more inconsistent conduct of Mr. Adams, in his subsequent nomination of another supplicating embassy to the tyrants of France is a subject of severer reprobation.

"The French Minister for Foreign Relations, through the French Diplomatic Agent at the Hague, had opened a communication with Mr. Murray, our Resident there, for the purpose of reviving negotiations between the two countries. In this manner, assurances were given that France was disposed to treat, and that a minister from us would be received and accredited. But they were accompanied with intimations of the characters proper to be employed, and who would be likely to succeed; which was exceptionable, both as it savored of the pretension (justly censured by the President himself) of prescribing to other governments how they were to manage their own affairs; and as it might, according to circumstances, be construed into a tacit condition of the promise to receive a minister. Overtures so circuitous and informal, through a person who was not the regular organ of the French government for making them, to a person who was not the regular organ of the American government for receiving them, might be a very fit mode of preparing the way for the like overtures in a more authentic and obligatory shape: but they were a very inadequate basis for the institution of a new mission.

"When the President pledged himself in his speech to send a minister, if satisfactory assurances of a proper reception were given, he must have been understood to mean such as were direct and official, not such as were both informal and destitute of a competent sanction.

"Yet upon this loose and vague foundation, Mr. Adams precipitately nominated Mr. Murray as Envoy to the French Republic, without previous consultation with any of his ministers. The nomination itself was to each of them, even to the

the Secretary of State, his constitutional counsellor, in similar affairs, the first notice of the project.

"Thus was the measure wrong, both as to mode and substance.

"A President is not bound to conform to the advice of his ministers. He is even under no positive injunction to ask or require it. But the constitution presumes that he will consult them; and the genius of our government and the public good recommend the practice.

"As the President nominates his ministers, and may displace them when he pleases, it must be his own fault if he be not surrounded by men, who for ability and integrity deserve his confidence. And if his ministers are of this character, the consulting of them will always be likely to be useful to him and to the state. Let it even be supposed that he is a man of talents superior to the collected talents of all his ministers (which can seldom happen, as the world has seen but few Fredericks), he may, nevertheless, often assist his judgment by a comparison and collision of ideas. The greatest genius, hurried away by the rapidity of its own conceptions, will occasionally overlook obstacles which ordinary and more phlegmatic men will discover, and which, when presented to his consideration, will be thought by himself decisive objections to his plans.

"When, unhappily, an ordinary man dreams himself to be a Frederick, and through vanity refrains from counselling with his constitutional advisers, he is very apt to fall into the hands of miserable intriguers, with whom his self-love is more at ease, and who without difficulty slide into his confidence, and, by flattery, govern him.

"The ablest men may profit by advice. Inferior men cannot dispense with it; and if they do not get it through legitimate channels, it will find its way to them, through such as are clandestine and impure.

"Very different from the practice of Mr. Adams was that of the modest and sage Washington. He consulted much, pondered much, resolved slowly, resolved surely.

"And as surely, Mr. Adams might have benefited by the advice of his ministers.

"The stately system of not consulting ministers is likely to have a further disadvantage. It will tend to exclude from places of primary trust, the men most fit to occupy them.

"Few and feeble are the interested inducements to accept a place in our administration. Far from being lucrative, there is not one which will not involve pecuniary sacrifice to every *honest* man of preeminent talents. And has not experience shewn, that he must be fortunate indeed, if even the successful execution of his task can secure to him consideration and fame? Of a large harvest of obloquy he is sure.

" If excluded from the counsels of the Executive Chief, his office must become truly insignificant. What able and virtuous man will long consent to be so miserable a pageant!

" Every thing that tends to banish from the administration able men, tends to diminish the chances of able counsels. The probable operation of a system of this kind, must be to consign places of the highest trust to incapable honest men, whose inducement will be a livelihood, or to capable dishonest men, who will seek indirect indemnifications for the deficiency of direct and fair inducements.

" The precipitate nomination of Mr. Murray, brought Mr. Adams in an awkward predicament.

" He found it necessary to change his plan in its progress, and instead of one to nominate three envoys, and to superadd a promise, that, though appointed, they should not leave the United States till further and more perfect assurances were given by the French government.

" This remodification of the measure was a virtual acknowledgment that it had been premature. How unseemly was this fluctuation in the Executive Chief. It argued either instability of views, or want of sufficient consideration beforehand. The one or the other, in an affair of so great moment, is a serious reproach.

" Additional and more competent assurances were received; but before the envoys departed, intelligence arrived of a new revolution in the French government; which, in violation of the constitution, had expelled two of the Directory.

" Another revolution; another constitution overthrown: surely here was reason for a pause, at least till it was ascertained that the new Directory would adhere to the engagements of its predecessors, and would not send back our envoys with disgrace.

" In the then posture of French affairs, which externally as well as internally, were unprosperous, a pause was every way prudent. The recent revolution was a valid motive for it.

" Definitive compacts between nations, called real treaties, are binding, notwithstanding revolutions of governments. But to apply the maxim to ministerial acts, preparatory only to negotiation, is to extend it too far; to apply it to such acts of an unstable revolutionary government (like that of France at that time) is to abuse it.

" Had any policy of the moment demanded it, it would have been not at all surprising to have seen the new Directory disavowing the assurance which had been given, and imputing it as a crime to the Ex-Directors, on the pretence that they had prostrated the dignity of the republic by courting the renewal of negotiation with a government, which had so grossly insulted it.

" Yet

"Yet our envoys were dispatched without a ratification of the assurance by the new Directory, at the hazard of the interests and honour of the country.

"Again, the dangerous and degrading system of not consulting ministers, was acted upon.

"When the news of the revolution in the Directory arrived, Mr. Adams was at his seat in Massachusetts. His ministers addressed to him a joint letter, communicating the intelligence, and submitting to his consideration, whether that event ought not to suspend the projected mission. In a letter which he afterwards wrote from the same place, he directed the preparation of a draft of instructions for the envoys, and intimated that their departure would be suspended *for some time.*

"Shortly after he came to Trenton, where he adjusted with his ministers the tenour of the instructions to be given; but he observed a profound silence on the question, whether it was expedient that the mission should proceed.—The morning after the instructions were settled, he signified to the Secretary of State that the envoys *were immediately to depart.*"

Mr. Hamilton next adverts to the President's dismission of Messrs. Pickering and M'Henry, and mentions some circumstances that are no less curious in themselves, than they are dishonourable to Mr. Adams.

"The dismission of the Secretary at War took place about the same time. It was declared in the sequel of a long conversation between the President and him, of a nature to excite alternately pain and laughter; pain, for the weak and excessive indiscretions of a chief magistrate of the United States; laughter, at the ludicrous topics which constituted charges against this officer.

"A prominent charge was, that the Secretary, in a Report to the House of Representatives, had *eulogized General Washington*, and had attempted to eulogize General *Hamilton*, which was adduced as one proof of a combination, in which the Secretary was engaged, to depreciate and injure him the President.

"Wonderful! passing wonderful! that an eulogy of the dead patriot and hero, of the admired and beloved Washington, consecrated in the affections and reverence of his country, should, in any shape, be irksome to the ears of his successor!"

Wonderful, however, as it appears, at the first view, it will appear much more wonderful, when contrasted with Mr. Adams's *public* professions (as contained in his letters to the Houses of Congress, and to the army) at the time of Washington's death.

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We shall insert these letters here. Such testimonials of republican sincerity are too often suffered to pass away with the diurnal publications, in which they generally make their appearance.

To the two Houses, Dec. 19, 1799.

" The letter herewith transmitted will inform " you, that it has pleased Divine Providence to re- " move from this life, *our excellent fellow-citizen* " *George Washington,* by the *purity* of his character " and a long series of services to his country, ren- " dered *illustrious through the world.* It remains " for an affectionate and grateful people, in whose " hearts he can never die, to pay suitable honour to " his memory."

To the Representatives, Dec. 19, 1799.

" I receive with great respect and affection, the " *condolence* of the House of Representatives on the " *melancholy and afflicting event,* in the death of *the* " *most illustrious and beloved personage, which this* " *country ever produced.* I sympathize with you— " with the nation, and with good men through the " world, in this *irreparable loss,* sustained by us all."

To the Army, Dec. 20, 1799.

" The President, *with deep regret,* announces to " the army, the death of *its beloved Chief* General " George Washington. *Sharing in the grief, which* " *every heart must feel for so heavy and afflicting a* " *public loss,* and desirous to express his *high sense* " *of the vast debt of gratitude, which is due to the* " *virtues, talents, and ever memorable services of the* " *illustrious deceased,* he directs that funeral honours " be paid to him at all the military stations, and " that the officers of the army and of the several " corps of volunteers wear crape on the left arm by " way of mourning for six months."

And

And yet the very man, who made this solemn profession, did, in a few months afterwards, reprove a high public officer, nay he actually dismissed him from his office, for *eulogizing General Washington!* Another instance of such base, such profligate, such abominable hypocrisy, is not to be found on record, except perhaps, in the annals of the French Revolution. Much, however, as we are shocked at what is here related of Adams, we are deceived if he was the only one, who professed sorrow, and actually put on the sable weeds, for the death of Washington, and who secretly rejoiced at the event.

The last material occurrence, which our Author notices in the administration of Mr. Adams, is, his pardon of FRIES, and other capital offenders, in the insurrection which took place in the State of Pennsylvania, during the spring of the year 1799, and which was generally thought to have been encouraged by the pardoning of the offenders in the former insurrection in that State.

"The impunity, so often experienced, had made it an article in the creed of those who were actuated by the insurgent spirit, that neither the General nor the State Government dared to inflict capital punishment.

"To destroy this persuasion, to repress this dangerous spirit, it was essential that a salutary rigour should have been exerted, and that those who were under the influence of the one and the other should be taught that they were the dupes of a fatal illusion.

"Of this, Mr. Adams appeared so sensible, that *while the trials were pending*, he more than once imprudently threw out, that the accused must found their hopes of escape either in their innocence or in the lenity of the juries; since from him, in case of conviction, they would have nothing to expect.—And a very short time before he pardoned them, he declared, with no small ostentation, that the mistaken clemency of Washington on the former occasion, had been the cause of the second insurrection, and that *he would take care there should not be a third, by giving the laws their full course against the convicted offenders.*

"Yet he thought proper, as if distrusting the courts and officers of the United States, to resort through the Attorney-General to the counsel of the culprits, for a statement of their cases; in

in which was found, besides some objections of form, the novel doctrine, disavowed by every page of our law books, that treason does not consist of resistance by force to a public law; unless it be an act relative to the militia, or other military force.

"And upon this, or upon some other ground, not easy to be comprehended, he of a sudden departed from all his former declarations, and against the unanimous advice of his ministers, with the Attorney-General, came to the resolution, which he executed, of pardoning all those who had received sentence of death.

"No wonder that the public was thunderstruck at such a result—that the friends of the government regarded it as a virtual dereliction—it was impossible to commit a greater error. The particular situation of Pennsylvania, the singular posture of human affairs, in which there is so strong a tendency to the disorganization of government—the turbulent and malignant humours which exist, and are so industriously nourished throughout the United States; every thing loudly demanded that the executive should have acted with exemplary vigour, and should have given a striking demonstration, that condign punishment would be the lot of the violent opposers of the laws.

"The contrary course, which was pursued, is the most inexplicable part of Mr. Adams's conduct. It shews him so much at variance with himself, as well as with sound policy, that we are driven to seek a solution for it in some system of concession to his political enemies; a system the most fatal for himself, and for the cause of public order, or any that he could possibly devise. It is by temporizings like these, that men at the head of affairs, lose the respect both of friends and foes; it is by temporizings like these, that in times of fermentation and commotion, governments are prostrated, which might easily have been upheld by an erect and imposing attitude."

Having gone through the principal circumstances in Mr. Adams's conduct, which had served to produce his disapprobation of him as President, Mr. Hamilton ably defends himself against the charge of having entertained an unwarrantable bias in favour of foreign nations, and concludes his very excellent pamphlet in the following words:

"The statement which has been made, shews that Mr. Adams has committed some positive and serious errors of administration; that in addition to these, he has certain fixed points of character which tend naturally to the detriment of any cause, of which he is the chief, of any administration of which he is the head; that by his ill humours and jealousies he has already divided and distracted the supporters of the government; that he has furnished deadly

deadly weapons to its enemies by unfounded accusations, and has weakened the force of its friends by decrying some of the most influential of them to the utmost of his power; and, let it be added, as the necessary effect of such conduct, that he has made great progress in undermining the ground which was gained for the government by his predecessor, and that there is real cause to apprehend, it might totter, if not fall, under his future auspices. A new government, constructed on free principles, is always weak, and must stand in need of the props of a firm and good administration; till time shall have rendered its authority venerable, and fortified it by habits of obedience.

"Yet with this opinion of Mr. Adams, I have finally resolved not to advise the withholding from him a single vote. The body of Federalists, for want of sufficient knowledge of facts, are not convinced of the expediency of relinquishing him. It is even apparent, that a large proportion still retain the attachment which was once a common sentiment. Those of them, therefore, who are dissatisfied, as far as my information goes, are, generally speaking, willing to forbear opposition, and to acquiesce in the equal support of Mr. Adams with Mr. Pinckney, whom they prefer. Have they not a claim to equal deference from those who continue attached to the former? Ought not these, in candour, to admit the possibility that the friends who differ from them, act not only from pure motives, but from cogent reasons? Ought they not, by a co-operation in General Pinckney, to give a chance for what will be a *safe* issue, supposing that they are right in their preference, and the best issue, should they happen to be mistaken? Especially, since by doing this, they will increase the probability of excluding a third candidate, of whose unfitness all sincere Federalists are convinced. If they do not pursue this course, they will certainly incur an immense responsibility to their friends and to the government.

"To promote this co-operation, to defend my own character, to vindicate those friends, who with myself have been unkindly aspersed, are the inducements for writing this letter. Accordingly, it will be my endeavour to regulate the communication of it in such a manner as will not be likely to deprive Mr. Adams of a single vote. Indeed, it is much my wish that its circulation could for ever be confined within narrow limits. I am sensible of the inconveniences of giving publicity to a similar developement of the character of the Chief Magistrate of our country; and I lament the necessity of taking a step which will involve that result. Yet to suppress truths, the disclosure of which is so interesting to the public welfare as well as to the vindication of my friends and myself, did not appear to me justifiable.

"The restraints to which I submit, are a proof of my disposition to sacrifice to the prepossessions of those with whom I have heretofore thought and acted, and from whom in the present

question

question I am compelled to differ. To refrain from a decided opposition to Mr. Adams's re-election has been reluctantly sanctioned by my judgment; which has been not a little perplexed between the unqualified conviction of his unfitness for the station contemplated; and a sense of the great importance of cultivating harmony among the supporters of the government; on whose firm union hereafter will probably depend the preservation of order, tranquillity, liberty, property; the security of every social and domestic blessing."

JEFFERSON's ELECTION.

We have received advices from this interesting quarter of the globe, down to the 14th of November. Some of the London papers have, for this week past, been informing their readers, that the election for President, *so far as it had gone*, appeared, to them, to be favourable to Mr. ADAMS. Now the truth is, that while those sagacious papers perceived those appearances in American newspapers of the 12th of November, the election for Electors of President *had not begun*.—The election of Electors was to be on the 15th of November, and the Electors themselves were to hold their election of President on the 3d of December: it is impossible, therefore, that we should know, of a certainty, who is the fortunate candidate, till about the middle of January.

As far as we can judge, PINCKNEY will have more voices than ADAMS, and as to the success of JEFFERSON, it appears yet to be uncertain, unless the Legislature of the State of Pennsylvania agree in the passing of a law, by which that State will preserve its vote. Those who have taken such pains to persuade the people of England that America had the best Government in the world, ought to know, that the *mode* of choosing electors of President has been by the general Constitution, left

left to the Legislative Bodies of the States respectively. In Pennsylvania, which is entitled to 15 Electors, the law providing for the mode of electing Electors, was made for a certain term, which term expired last year.—The two Houses of Assembly, could not, at their last Session, agree as to another law. They were, on the 5th of November, assembled expressly for the purpose; but, though the people were pouring in petitions and remonstrances upon them from all quarters, it was by no means certain that the law would be passed. If the law is passed, it is very well known, that JEFFERSON will have the whole 15 votes: if it is not passed, it is probable that JEFFERSON will lose his election; and, if he should lose his election, it is not at all improbable that Pennsylvania will *protest* against the proceeding, and will refuse to obey any laws that may be sanctioned by a President in whose election she has had no share. This dilemma in public affairs has extorted the following confession from the republican editor of *The Aurora*, in his paper of the 4th of November last: "When "the Constitution of the United States was under "discussion, every man who dared to doubt of "its excellence, and of the *infallibility of its au-* "*thors*, was stigmatized as a friend of disorder "and anarchy. Yet behold, from its want of ex- "plicitness on the momentous object of choosing "Electors of a Chief Magistrate, it is almost in "the power of *two or three abandoned individuals*, "*by disfranchising our state, perhaps to impose a* "*President on the Union contrary to the strongest* "*wishes of the people.*"

That the *two or three* individuals, who are here aimed at by this partisan of JEFFERSON, are "abandoned" men, is very false; for they are certainly amongst the best men in the country; but, it is true, that *two or three* abandoned individuals

might,

might, by such a concurrence of circumstances as the present, impose a President on the Union, in direct contradiction to the will of the whole people of the country. The fact is, it is impossible to guard against inconveniences of this sort, if the Chief Magistrate is elected.—In a country where an elective government exists, a *minority* will always govern; and, what is much worse, they will always govern precisely in that way in which the majority do not like to be governed. Forty-nine fiftieths of the people of the United States *despise all the three candidates*; but the other fiftieth prevents them from having any other choice. They must therefore vote for one of these men, or their vote is spent in air. The President himself is no more than the mere puppet of the leading demagogues. The last election of Mr. ADAMS bore a striking resemblance to that by which SEXTUS V. was elevated to the papal chair. The old man perceived it, too, and resolved to mortify his selfish supporters, by letting them see that he could and would *reign alone*. But, alas! he was not a Montalto!

We cannot dismiss this article without adverting to a remark, respecting the American newspapers which appeared in the London *Observer* of last Sunday. This profound and polished print observes, that "the American papers are so *prostituted* to party purposes, that but little of *general politics* can be collected from them." Amongst the papers which it would seem the *Observer* was in possession of, was the NEWARK paper. NEWARK is a village, and its paper (the Editor of which is at work in the fields one half of his time) does not cost above seven shillings a year; yet will we pledge our lives, that the NEWARK paper contains more information on "*general politics*" in one week, than the *Observer* does in one year.—It must be con-

confessed, that the spirit of party prevails in the American papers, over every thing else. We are sorry for it, for the sake of the people; but we would much rather see the spirit of party prevail than *no spirit at all.* The violence of the American factions does, indeed, disturb the peace and happiness of the community; but we much question, if it be more dangerous, in its ultimate tendency, than the despicable frivolity of this effeminate metropolis. For our parts, we must confess, that we would rather hear the rattling of the cudgels at an election, than the sentimental sobbing at a modern comedy.

We have, since our last Number went to the press, received complete files of our American papers, down to the 21st of February. The only news of importance which they contain, is, that of the final election of JEFFERSON, as President of the United States.—We shall give the extraordinary history of this election in the very words that are made use of by the American Editors.—It exhibits a striking proof of the blessings resulting from *Republican Government* and *Written Constitutions.*

WASHINGTON, FEB. 12.

2 *o'Clock, P. M.*

We waited all yesterday in the hourly expectation of being able to announce to our anxious countrymen, the result of the Presidential Election, but it remains to this moment undecided; and the happiness of five millions of people awfully suspended in the balance!

The crisis is momentous, and calls for a superior portion of fortitude and perseverance!

To the Federal Republicans of the House of Representatives, the most sincere and well tried friends of the Constitution it is given, by a manly adherence to principle, to secure its duration to ages—or by a disgraceful prostration of character, a wanton disregard of prudence, and a shameful sacrifice of duty, to commit it to the hazardous hands of a foe.

Unworthy will he be, and consecrate his name to infamy, who, with a view to the permanency of our political system, has hitherto strenuously opposed the exaltation of Mr. Jefferson to the Presidential chair; shall now, meanly and inconsistently, lend his aid to promote it. Such conduct would be dishonourable in the extreme. Such conduct, therefore, cannot possibly characterize the Federal Party. Will they confer upon Mr. Jefferson the Federal Suffrage in reward for the calumnies he has indiscriminately cast upon the federal character—or will they remunerate him with the most dignified office of Government, in return for the very honourable epithets of pandars to the whore of England, "timid men, office hunters, monarchists, speculators," and plunderers, which he has missed no opportunity to bestow on them? Surely not! The Federal Republicans profess to be disciples of the old school, and we trust that the *lex talionis* is neither obsolete nor forgotten.

But say the bold and impetuous partisans of Mr. Jefferson, and that too in the teeth of the assembled Congress of America: "Dare to designate any Officer whatever, even temporarily, to administer the Government, in the event of a non-agreement on the part of the House of Representatives, and we will march and dethrone him as an Usurper. Dare (in fact) to exercise the right of opinion, and place in the presidential chair

chair any other than the philosopher of Monticello, and ten thousand republican swords will instantly leap from their scabbards, in defence of the violated rights of the people ! ! !"

Can our countrymen be caught by so flimsy a pretext ?

Can it possibly interest either their feelings or their judgment ?

Are they then ripe for civil war, and ready to imbrue their hands in kindred blood ?

If the tumultuous meetings of a set of factious foreigners in Pennsylvania, or a few* fighting bacchanals of Virginia, mean the people, and are to dictate to the Congress of the United States whom to elect as President—If the constitutional rights of this body are so soon to become the prey of anarchy and faction—if we have already arrived at that disastrous period in the life of nations, "when "liberty consists in no longer reverencing either "the law or the authorities"—if, in short, the scenes which sadden the history of the elective monarchies of Europe are so soon to be re-acted in America, it would be prudent to prepare at once for the contest; the woeful experiment, if tried at all, could never be tried at a more favourable conjuncture !

* See an account of a Democratic Feast, graced by the presence of Gov. Munroe, and published in a late Number of the Examiner, with a song adapted to the occasion. See also the intemperate counsel of a certain would be Attorney-General of the United States (George Hay, Esq. of the ancient dominion) contained in the same paper, under the signature of Hortensius, and addressed to Gen Marshall, in consequence of a lie fabricated against him, relative to an opinion said to have been given by him upon the late Presidential Election, which the Honourable Attorney knew to be a lie as well as we did, but was fearful of being forgot, and despaired of getting a better opportunity to shew himself ! ! !

With the militia of Massachusetts, consisting of 70,000† (regular let us call them) in arms—with those of New-Hampshire, and Connecticut united almost to a man, with half the number at least of the citizens of eleven other states, ranged under the federal banner in support of the Constitution; what could Pennsylvania, aided by Virginia—the militia of the latter untrained and farcically performing the manual exercise with corn-stalks instead of muskets; burthened besides with a formidable internal foe, whose disposition has been recently shewn not in very agreeable colours—foe too, in a contest against whom, Mr. Jefferson declares, "the Almighty has no attribute which could in-"duce him to take part"—what may it be asked, would be the issue of the struggle?

Let those madmen reflect on these things, let them forbear their menaces—let them respect the decision of the constituted authorities.

☞ The House of Representatives have balloted upwards of 30 times, and adjourned till to-morrow, 11 o'clock.

From the *National Intelligencer*.

FEB. 12, quarter past 2 o'clock, A. M. 21 ballots. —Result still the same.

On the first ballot, the individual votes were, for

	Jefferson.	*Burr.*
New-Hampshire	0	4
Massachusets	3	11
Vermont	1	1
Rhode Island	0	2

† According to Dr. Morse, the New-England States are able to raise 164,600 fighting men.

Connec-

Connecticut	0	7
New-York	6	4
New-Jersey	3	2
Pennsylvania	9	4
Delaware	0	1
Maryland	4	4
Virginia	16	3
Kentucky	2	0
N. Carolina	9	1
S. Carolina	0*	5
Georgia	1†	0
Tennessee	1	0
	55	49

The individual votes on the succeeding ballots have occasionally fluctuated, without changing the result.

Eight ballots were taken previously to four o'clock, P. M. yesterday, all of which gave the same result, when the House adjourned for one hour—when, being again resumed, 27 ballots were taken previously to seven o'clock on this morning, all of which gave the same result.

The House are still in session.

It follows that as yet there is no election.

We stop the press to announce that at 9 A. M. Feb. 12, the House adjourned to 12 o'clock, without producing any other result.

Extract of a Letter from a Gentleman at Washington, dated 12th Feb. 1801.

"The House of Representatives did not break up until sunrise this morning—during which time

* Mr. Sumpter sick.
† Mr. Jones dead.

they gave 27 ballots precisely similar to their first one—8 votes for Mr. Jefferson—6 for Mr. Burr—Maryland and Vermont divided. They then suspended the business untill 12 o'clock, when after taking two further ballots it was again suspended until to-morrow 11 o'clock.—Thus rests this all-important question—What to-morrow will produce, God only knows."

Another Letter of the same date, contains the following:

"The House, after having balloted 27 times, postponed the balloting until 12 o'clock, in order to take some refreshment. When that hour arrived, they balloted three times—each producing the same result. In consequence of this apparent determination of both sides to adhere to their man, they have *done away* the resolution which required them to remain together, and adjourned to meet to-morrow at 11 o'clock, in the usual form and for their current business."

A Federal Member of the House of Representatives from Maryland writes thus—date, Thursday Morning—

"Both parties appear determined to hold out, I think we shall succeed."

[The Editor of the *National Intelligencer*, after giving the result of the electoral votes, and of the first ballot of the House of Representatives, details the subsequent transactions as follow;]

The House proceeded immediately to the second ballot, the result of which was the same, as well as that of the succeeding ballots, including the 8th, which being declared about 4 P. M. the House determined to suspend taking the next ballot for one hour, on which the members separated.

The

The reader will observe that this postponement of the ballot was a virtual adjournment of the House, and that it was pursued in preference to adjournment to avoid the rule previously adopted, not to adjourn until a President should be elected.

About 5 P. M. the 9th ballot was entered upon, and the same result with the former produced.

After going through a number of other ballots terminating in the same issue, it was agreed to take each ballot at the interval of an hour. In this manner the ballots were repeated until about 9 o'clock A. M. on Thursday, no separation of the members having taken place during the whole night.

The same invariable result followed each ballot, including the 27th, when at A. M. it was agreed to postpone the next ballot till 12 o'clock at noon; when the members separated.

At 12 o'clock the 28th ballot was taken, the result of which corresponded with the preceding ballots. After which, further balloting was postponed till Friday at 11 o'clock.

On Thursday morning the Speaker stated that persons were in waiting to deliver messages from the President and the Senate; and he wished a decision of the House whether they could be received. On the suggestion of a member, it was agreed, without formally putting the question, to receive the messages.

On Wednesday, Mr. Nicholson, who had been for several days very ill, appeared on the floor, and had a place assigned him in an antichamber adjacent to the room in which the House assembled; to which room, to enable him to vote, the ballot box was carried by the tellers of Maryland. He rapidly progresses in recovery. His vote for Mr. Jefferson was important as it divided Maryland; and would, with the accession to Mr. Jefferson of

one federal vote from that state have made him President.

At 12 o'clock on Friday (this day) the 29th ballot was taken, which produced the same result.

At one o'clock the 30th ballot was taken, the result the same.

It was then determined that the next ballot should be taken to-morrow (Saturday) at 12 o'clock.

The preliminary measures that preceded the counting the votes, have all been detailed, excepting one; which is that on Tuesday, on motion of Governor Morris, the Senate decided that the counting of the votes for President and Vice-President should be with shut doors.

The following articles are from the Philadelphia Gazette.

Latest from Washington.

" 1801, FEB. 12, 4 P. M.

" The question of President is still undetermined by the House of Representatives. The balloting will continue to-morrow 11 o'clock."

FEBRUARY 13, 1801.

" The ballot was continued this day at 12 o'clock, and the same result produced. A motion was made to postpone the ballot until the 3d March, but was unanimously rejected by the States. A motion to postpone to 12 o'clock, to-morrow, agreed to.

" It is my opinion that Mr. Jefferson will be elected in the end; but how long the ballot will remain in the present state, it is impossible to conjecture. This opinion is not founded upon any conversation I have had with any individual member, but merely an inference drawn from certain facts and circumstances which have come under my observation."

A letter

A letter from a member of Congress, received yesterday by a gentleman in this city, enables us to give the following correct statement:

		Burr.	*Jefferson.*	
1	New Hampshire -	4	0	Burr
2	Massachusets - -	11	3	Burr
3	Connecticut - -	7	0	Burr
4	Vermont - -	1	1	Divided
5	Rhode Island - -	2	0	Burr
6	New York - -	4	6	Jefferson
7	New Jersey - -	2	3	Jefferson
8	Pennsylvania - -	4	9	Jefferson
9	Delaware - -	1	0	Burr
10	Maryland - -	4	4	Divided
11	Virginia - - -	5	14	Jefferson
12	North Carolina - -	4	6	Jefferson
13	South Carolina - -	5	1	Burr
14	Georgia - - -	0	*1	Jefferson
15	Kentucky - -	0	2	Jefferson
16	Tennessee - -	0	1	Jefferson
		54	51	

The writer adds—" Thus you see, although Mr. Jefferson has eight votes, and Mr. Burr six, yet the majority of the members prefer Mr. Burr."

FROM A MEMBER OF CONGRESS.

Washington, Feb. 13, 1801.

" The balloting for a President is over for this day; and as yet no election. The result still the same. The next ballot to be at 12 o'clock to-morrow. No symptom of yielding on either side. All other business suspended."

In addition to the above, we have received the following information, on which we think we can

* One member from Georgia dead.

rely.

rely. A passenger in this morning's mail from Baltimore, saw a gentlemen there who had left Washington on Sunday morning, and who said that the ballots were taken on Saturday, as usual, and with the usual result.

EXTRACT.

Washington, 2 o'clock p. m. Feb. 14, 1801.

"This day the House of Representatives met and balloted twice, each time producing, as before, 8, 6, and 2. The counties bordering on this city, composed principally of Federalists, have presented addresses to their representatives, Thomas and Craik, instructing them to vote for Jefferson; but as yet they are far from having complied with this request—nevertheless, such is the scandalous conduct of certain members, that were the Federalists themselves to disapprove of it, and loudly say Jefferson must be elected—and in spite of every effort of the party, this will be the result of the election; thus the Federalists, by their own conduct, will equally lose their point and the little popularity they might have preserved."

WASHINGTON, SATURDAY EVENING, 14 INST.

"No President elected as yet; both parties seem determined not to yield: what the result of this obstinate conduct will produce, God only knows, but it seems to me that much evil will arise in the non-election of a President, the votes eight and six without variation.

"We are just informed that John Chew Thomas, representative in Congress from this district, has been addressed by his constituents, requesting him not to oppose the election of Mr. Jefferson, consequently he will either stay from the house, or give

give his vote agreeable to the general wishes of those who have appointed him. You may therefore depend that Mr. Jefferson will be elected President of the United States, on Monday the 16th day of February, 1801.

"You must know that the people here are damnably afraid that there will be no President, and consequently *a dissolution of the government, and then to Hell goes the Federal City.*

"This, with all their federalism, has alarmed them, and Thomas, who is their representative, has been instructed, by an unanimous address, to give up his opinion for the general good.

"DUANE."

"We are respectably informed that information has this morning been received from Washington, which has excited extraordinary felicity among the Democrats; while at the same time it reflects most wantonly on the principles and integrity of a Federal representative. The latter circumstance warrants us in suspecting the purity of the source from whence it has originated. The information is in substance, that Mr. Chew Thomas, who has hitherto voted for Mr. Burr, has received from a very influential character in the district which he represents, instructions to change his vote, and thereby determine the contest in favour of Mr. Jefferson. Admitting the fact alleged, and that he may have been thus advised by one who can bias his future election, we should reluctantly believe that any member of Congress, associated in a cause of patriotism and duty, could be awed into a timid dereliction of principle, to the sacrifice, or at least hazard, of the highest interests of his country. If Mr. Thomas's should indeed be changed, we shall be happy to hear that the transition has been effected by

by a more honourable influence than that of a wealthy patriot.

"Long have we predicted that the greatest curse of this country would flow from the irritated and menacing language of certain restless characters and prostituted public prints. Their clamours, for five years past, though incessant, have had some bounds, but during the pending election for President and Vice-President, they have assumed a menacing tone, unprecedented on all former occasions, and ought to convince the people that attempts are making by them to rouse the passions of some daring mob, to overawe the proceedings of the constituted authority, to Septemberize the nation and to crush its liberty. The Parisian game is to be attempted, and DENUNCIATION is thrown out as the master-trump.

"How far a letter in the American, of Saturday, is calculated or intended to usher in the bloody game, and how far an editor is justifiable in giving currency, at any time, but especially the present, to the ravings of such a restless blood-brooding revolutionist, the public are competent judges, from the following specimen. It is parts of letters from Washington to the editor.

"After sitting up till three in the morning, expecting a final decision, and exhausted a little by irregular repose, I began to question whether this is not a dream; but unhappily this is not an unreality —it is a deplorable and disgraceful link in the long chain of injuries and contumelies which the same party has heaped upon our country.

"Where will it end, or what is meant by it? you will ask.

"I most seriously believe that it is meant by it to dissolve the government; and to excite the Republicans to violence. I conjure you to use all means in your power to repress a spirit of anger—

Let

Let the Republicans wait patiently till the 3d of March—If the spirit of faction shall then, by its opposition to the voice of the majority of the people and the States, put the Constitution afloat, God send them safe out of the storm they may raise.

" The Maryland delegation have to account to their country for the shocking state of things. Baer, Thomas, Dennis and Craik, will, I trust, be remembered by their constituents and by the country."

The good soul of a writer, whilst endeavouring to rouse a spirit of indignation, by venting menaces the most awful, and denunciations the most solemn and personal, crocodile-like, to gull the people, conjures the editor to repress the spirit of anger, which he was hoping he had already conjured up in the mob. About this goodly work the editor goes! and how? Why in the next page he publishes another letter, from the same correspondent, no doubt, containing predictions direful of what the Federalists would do, and a string of accusations, wherein as a truth, it is asserted, that " certain members of the Legislature, whose names are in possession of the editor of the Aurora," are continually closeted with the British Chargé des Affaires. Whether these members be Democrats or Republicans, he saith not, but sounds the tocsin by saying that " the people had best be prepared for the worst."

The alarmists have been systematic in the work. At a meeting of them in Philadelphia some weeks since, it was threatened, nor has the menace been recalled, that they would march to Washington, and settle the election with the bayonet! The same menaces were thrown out in a toast and sung at a republican festival at Petersburg, when the Governor himself made one of the party, and they have been repeated at a number of other meetings held pretendedly to celebrate the election of Mr. Jefferson,

ion, before he was ever chosen! but in reality to stir up the mad spirits of the nation to action.

The Washington Federalist has noticed those repeated menaces in its last number, and in exhibiting the superior physical strength of the Federalists, in an extremity which their opponents are so ready in inviting (but in which they will take care to leave their dupes only to act). The Federalists are charged with threatening war; and those observations of an individual editor, are termed a manifesto of the party for war. *Bella horrida bella!!!*

But let them denominate the piece either a manifesto or a declaration of war, they may thank themselves for it; and let the consequences be what they may, the guilt will lie at their own doors, as being the aggressors, and bringing forward the *lex talionis* of the Federalists.

How far, however, this Federal Editor has exceeded the example set him by the democratic Printers, the public will be able to judge, by giving it a place below.

WASHINGTON, FEB. 16.

It appears by one of the letters from Washington, that the lobby of the chamber of the House of Representatives was cleared in consequence of the threats of some violent person who had been stationed there. This circumstance, connected with the diabolical fabrication "that the people of Philadelphia had seized upon the public arms," indicates a design in some deluded persons to intimidate the Representatives of the nation. The same spirit, if not the same individuals, dictated the violent publications which appeared some time since, intended to overawe the majority of the Senate of Pennsylvania. If the Representatives of the people are thus to be forced into measures contrary to their judgments and their consciences, there is an

end

end to the government, an end to liberty in this country: where such violence is allowed, there can be no security for the property—no safety for the lives of the citizens. The measures, which must be reprobated by the honest and the good of both parties, (and of such is the great body of the American people composed) should no longer be tolerated. It is the duty of the civil officers of the national and of the states governments to prevent the repetition of them.

NEW-YORK, FEB. 20.

In our paper of Monday last, we gave a statement, from the *National Intelligencer*, of the individual votes of the members of the House of Representatives; which, from more recent information, appears to be materially incorrect. A letter from a member of Congress, received yesterday by a gentleman in this city, enables us to give the following accurate statement:

		Burr.	*Jefferson.*	
1	New Hampshire	4	0	Burr
2	Massachusetts	11	3	Burr
3	Connecticut	7	0	Burr
4	Vermont.	1	1	*Divided*
5	Rhode-Island	2	0	Burr
6	New-York	4	6	Jefferson
7	New-Jersey	2	3	Jefferson
8	Pennsylvania	4	9	Jefferson
9	Delaware	1	0	Burr
10	Maryland	4	4	*Divided*
11	Virginia	5	14	Jefferson
12	North-Carolina	4	6	Jefferson
13	South-Carolina	5	1	Burr
14	Georgia	0	*1	Jefferson
15	Kentucky	0	2	Jefferson
16	Tennessee	0	1	Jefferson
		54	51	

* One member from Georgia dead.

Thus although Mr. Jefferson has eight votes, Mr. Burr six, yet the majority of the members prefer Mr. Burr.

Yesterday afternoon a salute of sixteen guns was fired on the battery, by the Artillery Company, under the command of Capt. Ten Eyck, in consequence of the election of Thomas Jefferson to the Presidency of the United States.

JEFFERSON's CHARACTER.

THIS man's character has been well illustrated by Mr. WILLIAM SMITH, now (in 1801) American Ambassador in Portugal.

A writer under the signature of Hampden, in the Richmond paper, after asserting the exclusive right of Virginia to fill the office of President, called the attention of the citizens of that state to the illustrious Thomas Jefferson, as the fittest character in the Union to fill the President's chair, and proceeded to enumerate the various pretensions of that gentleman.—In answer to Hampden, Mr. SMITH published a pamphlet, from which the following extracts are made.

" But we should incur no danger in yielding to his claim in the fullest extent, because it must be obvious to men of the smallest experience in public life, that of all beings, a philosopher makes the worst politician; that if any one circumstance more than another could disqualify Mr. Jefferson for the Presidency, it would be the charge of his being a philosopher. Not believing him to possess any more than the *mask* of philosophy, *my* objection to his election would certainly not rest on that ground; but as there may be some, who, having read his works superficially, may have been deceived

deceived by that character, which is sometimes acquired, because no one has been at the trouble to scrutinize and strip it of its borrowed garb, to them I repeat that, admitting him to be a most learned philosopher, such a character alone creates his disqualification for the Presidency.

" In turning over the page of history, we find it teeming with evidences of the ignorance and mismanagement of philosophical politicians. The great *Locke* was employed to frame a constitution for Carolina; but it abounded so much with regulations inapplicable to the state of things for which it was designed, so full of *theoretic whimsies*, that it was soon thrown aside. *Condorcet*, a particular friend of our American philosopher, was a great French philosopher; his constitution, proposed in 1793, contains more absurdities than were ever before piled up in any system of government; it was so radically defective, that its operation was never even attempted; *Condorcet's political follies, and the wretched termination of his career, are well known; he had philosophy enough to know how to raise a storm, but not enough to avert its effects. The affairs of France have since been more ably conducted (except during the short aristocracy of Robespierre) by men who are good politicians, but, fortunately for France, *not philosophers*.

* Hear what *Boissy d'Anglas* says of the constitution of *Condorcet*, a brother labourer in philosophy and politics of Thomas Jefferson: " meditated amidst intrigue and ambition, conceived in the bosom of vice, that constitution is nothing more than the *concentration of all the elements of disorder, and the organization of anarchy* What indeed must we think of a constitution, which organizes the partial insurrection of powers, independent of the constituted authorities, and legalizes the reign of plunder and terror." Compare this, Americans, with the principles and practice of the democratic societies, and the other supporters of Thomas Jefferson!!

" RITTENHOUSE was a great philosopher, but the only proof we had of *his political* talents was his suffering himself to be wheedled into the *Presidency* of the *Democratic Society* of Philadelphia, a society with which he was even ashamed to associate, though cajoled and flattered into the *loan* of his *name*. Many other instances might be adduced.

" The characteristic traits of a philosopher, when he turns politician, are, timidity, whimsicalness, a disposition to reason from certain principles, and not from the true nature of man; a proneness to predicate all his measures on certain abstract theories, formed in the recess of his cabinet, and not on the existing state of things and circumstances; an inertness of mind, as applied to governmental policy, a wavering of disposition when great and sudden emergencies demand promptness of decision and energy of action. If the laws are opposed and insurrection raises its crest, the insurgents will always calculate on the weakness and indecision of the executive (if a philosopher), and they will be justified in their calculations, for he will hesitate till all is lost; he will be wandering in the labyrinths of philosophical speculations, moralizing on the sin of spilling human blood, and foolishly persuading himself that mankind can *always* be reclaimed and brought back to their duty by *wholesome advice*. His mind will be constantly attracted to his favourite pursuits; and his presidential duties will, of course, be postponed to more pleasing avocations.

" Let us suppose one of these exploring and profound philosophers elected President of the United States, and a foreign minister, on his first introduction into his cabinet, surprising him in the act of inspecting the *skin and the scarf skin* of a *black and* a *white pig*, in order to discover the causes of difference which nature has created in their

their colour, or with the same view anatomizing the kidnies and glands of a Negro, to ascertain the *nature of his secretions?* Would not the minister's first observation be, that the philosopher would be much better employed in his retirement at home, and his second, that such a President would furnish excellent materials for him to make use of.

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"But, although I have thus denied to Mr. Jefferson the title of a *real philosopher*, I am ready to allow that he possesses the *inferior* characteristics, and the *externals* of philosophy. By one, ambitious of passing with the world for a philosopher, the first were easily acquired, the last as easily assumed. The inferior characteristics, as applied to the science of politics, are a want of steadiness, a constitutional indecision and versatility, visionary, wild and speculative systems, and various other defective features, which have been already pourtrayed—Indeed, so unsettled is the mind of a *would be* philosopher, so capricious and versatile are the principles of these *philosophical mimics*, that they attempt to reconcile the most irreconcilable theories, and to justify the most inconsistent acts, by the same standard. Thus you will find these *pretenders* to philosophy, at one moment, coolly justifying the most atrocious and *sanguinary cruelties*, provided they are *means* to a certain favourite *end*; at another, cautiously dissuading from vigorous, though necessary measures, lest they might fatally issue in the shedding of human blood. *Condorcet* and *Brissot* were, like Jefferson, *reputed* philosophers: they set up certain wild and mischievous theories of government; of course, followed the emancipation of the Negroes in the French West Indies, and, of course, the massacre of the whites, and the desolation of the colonies: this was represented to them, by a deputation from the colonies, warning them of the fatal conse-

quences of their principles. What was *Philosopher Condorcet's* reply? Attend to it, citizens of the southern states!! He answered with true philosophic calmness, "*Perish all the colonists*, rather than that we should deviate one tittle from our principles." This is the *enlightened* Condorcet, to whom his friend Jefferson, stimulated by a sympathetic philanthropy, sent Banneker's Almanac, as the highest proof of his admiration of the Negro's work. This is the *same Condorcet* who could, with calmness, see the colonies laid waste, and thousands of aged colonists and innocent women and children massacred, and yet was perpetually preaching up philanthropy and universal benevolence. *Brissot* was much such another character, and they both deservedly met the same fate.

"As ignorant people are often imposed upon by an appearance of philosophy, those, who have ambitious designs, readily assume its *externals*: these consist in a ridiculous affectation of simplicity and humility, in a thousand frivolities, and little puerile tricks, which always render the performer contemptible in the eyes of discerning people, who soon discover that under the assumed cloak of humility, lurks the most *ambitious spirit*, the most overweening pride and *hauteur*, and that the *externals* of simplicity and humility afford but a flimsy veil to the *internal* evidences of aristocratic splendour, sensuality and epicureanism.

"Mr. JEFFERSON has been held up and characterized by his friends as the "quiet, modest, retiring philosopher—as the plain, simple, unambitious republican." He shall not now, for the first time, be regarded as the intriguing incendiary—the aspiring turbulent competitor—unless facts shall warrant the suggestion: of these an enlightened public must judge.

"What

" What, if a quiet, modest, unambitious philosopher, at a delicate crisis, withdrawing himself from a post of duty, from an alleged attachment to philosophical pursuits, and a strong antipathy to public honours, should immediately devote his hours of retirement *to mature his schemes of concealed ambition*, and at the appointed time, come forth the undisguised *candidate for the highest honours*, and for the arduous station to which ambition can aspire ?

" Would not *this trait* alone sufficiently mark his character and his views ?

" To some of his fellow-citizens, this may perhaps be the *first time* his real character has been discovered ; but let *them* recollect that there is always " *a first time*," when characters, studious of artful disguises, are unveiled, when the vizor of stoicism is plucked from the brow of the epicurean, when the plain garb of quaker simplicity is stripped from the concealed voluptuary, when *Cæsar*, *coyly refusing* the proffered diadem, is found to be Cæsar *rejecting* the trappings, " but tenaciously *grasping* the *substance* of *imperial domination*."

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" The first volume of Thomas Paine's " Rights of " Man," made its appearance ; the opportunity was eagerly seized, to answer the double purpose of wounding a competitor, and of laying in an additional stock of popularity, by associating and circulating the name of Thomas Jefferson with a popular production of a once favourite writer, on a favourite subject.

" For this purpose, the Secretary of State wrote an epistle to a printer in Philadelphia, transmitting the work for republication, and containing the following passage : " I am extremely pleased to find " it will be reprinted here, and that something is at " length to be publicly said against the *political heresies*

"which have sprung up among us. I have no "doubt our citizens will *rally* a second time round "the *standard* of common sense."

"There was not a man in the United States, acquainted with the insinuations which had been propagated against Mr. Adams, who did not instantly apply the remark; and the signal was so well understood by the partisans of the writer, that a general attack immediately commenced.

"The National Gazette of *Freneau*, faithful to its *duty*, and the newspapers of the *party* in the different states, resounded with invective and scurrility against the patriot, who was thus marked out as *the object of persecution*.

"But it was quickly perceived that discerning and respectable men disapproved of the step which the Secretary of State had taken. It was of consequence to endeavour to maintain their good opinion. Insincere protestations and excuses, as frivolous as aukward, were multiplied by the Secretary to veil the real design. "The gentle- "man alluded to," he protested, "never once "entered his mind; it was never imagined that "the printer would be so *incautious* as to publish "the letter. Nothing more had been in view "than to turn a handsome period, and avoid the "*baldness* of a note, that did nothing but present "the compliments of the writer!"

"Thus, a solemn invocation to the people of America, on a most serious and important subject, dwindled at once into a brilliant conceit that tickled the imagination too much to be resisted. The imputation of *levity* was preferred to that of malice.

"But when the people of America presented themselves to the disturbed fancy of the patriotic Secretary, as a routed host, scattered and dispersed by that political sorcerer, the Vice-President, how

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was it possible to resist the heroic, the chivalrous desire, of erecting for them some magic standard of orthodoxy, such as Tom Paine, and endeavouring to *rally* them round it, for their mutual protection and safety.

" In so glorious a cause, the considerations—that a citizen of the United States had written, in a foreign country, a book, containing strictures on the government of that country, which were regarded by it as *libellous* and *seditious*—that he had *dedicated* this book to the *Chief Magistrate* of the Union—that the *republication* of it, *under the auspices of the Secretary of State*, would wear the appearance of its having been promoted, at least of its being *patronized, by the government of this country*—were considerations too light and unimportant to occasion a moment's hesitation."

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" Among the other merits of Mr. Jefferson, as stated by Hampden, we find " his attachment to the CIVIL and RELIGIOUS rights of his fellow citizens;" for the proof, we are referred to his *writings* and PUBLIC CONDUCT.

" We have seen a few specimens of his writings: from them we may infer a pretty strong disposition to entrench on some of the civil rights of his fellow citizens, particularly in his project of a senate, which would undoubtedly, on his plan, establish an *aristocracy*, very injurious to the rights of the *poor class* of his fellow citizens.

" But the proof of a steady attachment to the civil rights of one's fellow citizens ought not to rest merely on *writings*; this attachment ought to be evinced by *public conduct*, by *action*, and in *times of danger*; then the hazarding of *personal safety* for the preservation of our civil rights is the highest testimony of patriotism. There is no great merit

in composing, in the cabinet, in seasons of tranquillity, essays on civil rights, which are frequently done to obtain popularity, and without any risk of personal inconvenience.

" It appears, however, that Mr. Jefferson has generally sacrificed the civil rights of his countrymen to his own personal safety. We are told, in a public address, by Mr. Charles Simms, of Virginia, who must have been well acquainted with the circumstance, " that Mr. Jefferson, when *governor* of Virginia, *abandoned the trust* with which he was charged, at the moment of an invasion by the enemy, by which great confusion, *loss, and distress, accrued to the state*, in the destruction of public records and vouchers for general expenditures.*

" Now here was a period of public danger, when Mr. Jefferson's attachment to the civil rights of his countrymen might have shone very conspicuously, by facing and averting the danger; here would have been a fine opportunity for him to have displayed his public spirit in bravely *rallying* round the standard of liberty and civil rights; but, though in times of safety, he could *rally* round the standard of his friend, Tom Paine, yet when real dan-

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* Mr. Leven Powell, of Virginia, also states, in his public address, that " when *Tarleton*, with a few light horse, pursued the assembly to Charlottesville, Mr. Jefferson discovered such a *want of firmness*, as shewed he was *not fit to fill the first executive office*, for instead of using his talents, in directing the necessary operations of defence, *he quitted his government by resigning his office*; this too, at a time that tried men's souls, at a time when the *affairs of America stood in doubtful suspense, and required the exertions of all*." The Governor of Virginia, during the *invasion* of the state by a *small* British force, instead of *defending* the commonwealth at that alarming juncture, voluntarily and suddenly *surrendered his office*, and, at that crisis, his country was required to choose another Governor! Is there any *security* he would not act *in like manner again, under like circumstances?*

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ger appeared, the *governor of the ancient dominion* dwindled into the *poor, timid philosopher,* and instead of rallying his brave countrymen, he fled for safety from a few light horsemen, and shamefully abandoned his trust ! ! *

" Again, when the peace and tranquillity of the United States were in extraordinary peril, when it required the exertions and talents of the wisest and bravest statesmen to keep the federal ship from foundering on the rocks with which she was encompassed, he, when his aid was most essential, abandoned the old helmsman; and with his wonted caution, sneaked away to a snug retreat, leaving others to buffet with the storm, and if they were cast away, to bear all the obloquy and public disgrace which would follow.

" How different was the conduct of the spirited and truly patriotic HAMILTON ? He wished to retire as much as the philosopher of Montecelli; he had a large family, and his little fortune was fast melting away in the expensive metropolis, but with a Roman's spirit he declared " that much as " he wished for retirement, yet, he would remain " at his post, as long as there was any danger of " his country being involved in war." How different the conduct of the great WASHINGTON ?

* This charge has been attempted to be got rid of by producing a vote of the assembly of Virginia, after an inquiry into his conduct, acknowledging his *ability* and *integrity,* but altogether silent on his *want of firmness,* which had been the cause of his flight.

It was natural for his friends in the Assembly to varnish over the business as well as they could, and the danger being past, there being no prospect of his being again exposed in that station, and his flight proceeding, not from any criminality, but from a constitutional weakness of nerves, it was no difficult matter to get such a vote through the assembly, more especially as the *character* of the *state* was no less implicated in the business than that of the governor.

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He tells us, that he had resolved to retire before the last election, but the then *perplexed* and *critical* situation of the country forbad such a step. How different was even *Jefferson himself*, when calmly and *safely* writing his Notes on Virginia, from what he was then called upon *to act* in times of peril? In his Notes, page 135, in reprobating the proposition made in the Virginia assembly, to appoint a *dictator*, he exclaims: "Was this moved "on a supposed right in the movers of *abandoning* "*their posts in a moment of distress? Our laws* "*forbid the abandonment of our posts, even on ordi-* "*nary occasions.*"

"Whether Mr. Jefferson *foresaw* the *western insurrection*, and either conscious of his want of courage or capacity to act on so trying an occasion, or of his good wishes towards *some* of the promoters of it, we will not determine; but it is our duty to state some facts; the comments on them will be left to a discerning public.

"It is certain that Mr. Jefferson resigned the office of Secretary of State in January or February, 1794, and that the *insurrection* broke out the July following, having manifested threatening symptoms some months before. Citizen *Fauchet*, of glorious memory, in his intercepted letter (which caused the dismission of citizen Randolph, also of glorious memory, the virtuous author of the *precious confessions*), has the following passage: "Mr. Ran- "dolph came to see me with an air of *great eager-* "*ness*, and made to me the *overtures* of which I "have given you an account in my No. 6.—Thus "with *some thousands of dollars*, the *republic (of* "*France)* could have *decided* on CIVIL WAR, "or on Peace! Thus the *consciences* of the *pre-* "*tended patriots of America* have already *their* "*prices!* What will be the old age of this go- "vernment, if it is thus early *decrepid!* Still

"there

" there are *patriots* of whom I delight to entertain " an idea worthy of that imposing title. CON- " SULT *Monroe**, he is of this number; *he* had " *apprized me* of the men, whom the current of " events had dragged along as bodies devoid of " weight: *his friend* Maddison is also an honest " man; *Jefferson*, on whom the *patriots* cast their " eyes to succeed the President, HAD FORE- " SEEN THESE CRISES: *he prudently retired*, " in order to avoid making a figure AGAINST " HIS INCLINATION in scenes, the secret of " which will soon or late be brought to light."

" We are informed by the newspapers that *Randolph has been to visit Mr. Jefferson*, and has announced his determination to serve, if elected President; he has not yet announced his own determination to return to his former secretaryship, if his friend should be President; but his *activity in canvassing for him* leaves no room for doubt, as to his *wishes and expectations:* it is apprehended, " however, by some of the friends of both these characters, that a late *legal call* on *one* of them, for the immediate settlement of some accounts and *balances*, will prove highly injurious to both."†

" Having adverted to these two striking instances of Mr. Jefferson's *abandonment of his trust* at very *critical moments*, I cannot omit the following sensible remark of Mr. Charles Simms:

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* Citizen Monroe, lately *recalled* by the President from France, *not* I presume for his *services* to the United States, and not at his request; possessed of a palace in Paris, worth formerly 100,000 guineas (and for the purchase of which he was abused in a Paris newspaper), it is not probable he wished to return quite *so soon*.

† Edmund Randolph is sued by the Comptroller of the Treasury for a *deficiency* in his *accounts*, while Secretary of State, of 50,000 *dollars*.

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" These instances," he observes, " shew Mr. Jeffer-
" son *to want firmness*, and a man, who shall once
" have abandoned the helm in the hour of danger,
" or at the *appearance of a tempest*, seems not fit
" to be trusted in better times, *for no one can know*
" *how soon or from whence a storm may come.*"

" We are next informed of Mr. Jefferson's
" attachment to the RELIGIOUS *rights* of mankind,"
and are referred for his sentiments respecting religious liberty to his *writings*, his *conduct*, and particularly to the " *act establishing religious freedom*," drawn up by him.

" Hampden would have acted more wisely, and more conformably, I am persuaded, to the wishes of his patron, had he passed over this *tender* subject in silence. It was certainly indiscreet to mention *Thomas Jefferson* and *religion* in the same paragraph of an eulogy.—*Religious freedom* and *freedom from religion* are now become *convertible* terms with most modern philosophers, particularly those who have been educated in the philosophical schools of France. Mr. Jefferson has been heard to say, since his return from France, that the men of letters and philosophers he had met with in that country, were generally *Atheists*. The late impious and blasphemous works of Thomas Paine, reviling the *christian religion*, have been much applauded in France, and have been very industriously circulated in the United States, by all *that class* of people who are friendly to Mr. Jefferson's politics, and anxiously desirous of his election to the presidency. Mr. Jeffersons's friendship for *Paine* has been already mentioned; that *anti-christian* writer had apartments at Citizen Monroe's at Paris, and should Mr. Jefferson be President, there is no doubt Tom would return to this country, and be a conspicuous figure at the President's table at Philadelphia, where this enlightened pair of philosophers would fraternize,

nize, and philosophize against the *christian religion*, and all *religious worship*.—Whatever new lights Jefferson may have acquired in France, it is certain that he had naturally very good pre-dispositions on the subject of religion. In his *Notes* on Virginia, page 169, in discussing the subject of religious freedom, he makes this witty observation—" It does me no injury for my neighbour to " say there are twenty gods, or *no god*; it neither " picks my pocket nor breaks my leg; if it be " said, his testimony in a court of justice cannot " be relied on, reject it then, and be the stigma " on him." In page 170, he says, " millions of " innocent men, women and children, *since the* " *introduction of Christianity*, have been burnt, " tortured, fined and imprisoned." In page 171, speaking of the state of religion in Pennsylvania and New-York, he says, " Religion there is well " supported, of various kinds indeed, *but all good* " *enough*; all sufficient to preserve peace and " order."

" Which ought we to be the most shocked at, the *levity* or the *impiety* of these remarks? " it does " me no injury, if my neighbour is AN ATHEIST, " because it does not break my leg!" What? do I receive no injury, as a member of society, if I am surrounded with atheists, with whom I can have no social intercourse, on whom there are none of those religious and sacred ties, which restrain mankind from the perpetration of crimes, and without which ties civil society would soon degenerate into a wretched state of barbarism, and be stained with scenes of turpitude and with every kind of atrocity?

" There are religions, of *various* kinds indeed, says our philosopher, BUT ALL GOOD ENOUGH."

" Good enough indeed for him, who established and patronized a newspaper, one object of which was to *revile Christianity!* It is not forgotten, that the

the *National Gazette*, published by a *clerk* in the department of state, and under the *auspices* of the *Secretary*, lost no convenient opportunity of making a mockery of religion*, and vilifying the clergy of the country.

" It is well observed by a modern writer, " that *patriotism*, as a *moral* principle attaching itself to political society, depends, like every other moral principle, on its relation to *religion*. The Creator of man has bound the social to the divine virtues, and made our devotion and our reverence to himself, the ground work of our duties to our brethren and to our country."

" The *act for establishing religious freedom* in Virginia, (the *necessity* for which is not very obvious,) has been much extolled by Mr. Jefferson's panegyrists. I ask them, what good effects has it produced? Does religion flourish in Virginia more than it did, or more than in the eastern states? Is public worship better attended? Are the ministers of the gospel better supported, than in the eastern states?

" That act, which is nearly all preamble, setting forth a series of principles, some of which are proved by late experience in France to be *very questionable*, has, in my opinion, an immediate *tendency* to produce a total disregard to *public worship*, an absolute *indifference to all religion whatever*. It states, among other things, " that we ought not to be obliged to support even the ministers of our own religious persuasion, and that

* See, among various instances, the thirty-sixth Number of the National Gazette, where the belief of a *Providence* is treated as an *impious tenet*. In the time of Robespierre, a member of the convention, who had introduced into his speech the word Providence, was called to order, by the cry of *Point de Providence*, no Providence.

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our *civil* rights have no more dependence on our *religious* opinions, than on our opinions in physic or geometry." The act then declares, "that no man shall be compelled to *frequent or support any religious worship or minister whatever*, and that all men shall be free to profess, and by argument to maintain, their opinions, in matters of religion, without diminishing their civil capacities."

"I will not accuse Mr. Jefferson of having been influenced by *selfish views*, in getting this act passed; but those acquainted with *his conduct and opinions* will agree with me, that he has fully *taken advantage* of every tittle of the preamble and enacting clause: he has by his conduct proved his religious freedom, or, rather, his freedom from religion; and, by his opinions, his right to maintain by argument any doctrine whatever, in matters of religion. Who ever saw him in a place of worship? The man who can say he has seen such a *phenomenon*, is himself a much greater curiosity than the elephant now travelling through the southern states.

"But how inconsistent, not only with truth, but with themselves, are these visionary philosophers, who are thus always striking out some new doctrine? The preamble states, that our *civil* rights have *no dependence* whatever on our *religious* opinions; and yet it immediately after admits, that *religious opinions may break* out into *overt acts* against peace and good order; and yet the letter just quoted speaks of *criminal acts dictated by religious error!*

"What a conformity do we find between the sentiments of Mr. Jefferson, in matters of religion, and those of Tom Paine? Where is the wonder, then, if the *works* of the latter are *circulated* with so much *zeal* by the *friends* of the former? Tom Paine has ridiculed the Holy Scriptures, and reprobated

probated public worship. Tom Jefferson has attempted to disprove the *deluge*—has made it a question whether the Almighty ever had a chosen people*, and has, by *example* and *precept*, *discountenanced public worship*. Such is the Chief Magistrate whom the *patriots* of citizen Fauchet have selected for the United States!! Such the kindred philosophers, whose *new lights* are to be disseminated throughout America, under the *auspices* of the *Chief Magistrate of the Union!*

" The *opinions* of Mr. Jefferson, relative to the present *constitution of the United States*, are next in order to be considered.

" If he is not *antifederal*, it will not be denied that he entertained *very considerable objections* to the constitution, and that his advice to call a *second convention*, if pursued, would have prevented our having ever obtained *so good a constitution*.

" Some of his opinions, relative to the constitution, are to be found in a series of letters, written from Paris, in the years 1788 and 1789. Partial extracts from these letters were published in 1792, by a friend of Mr. Jefferson, as a vindication of his federalism. How far they established it, will now appear.

" In a letter, dated 20th December, 1787, after expressing his approbation of some of the features of the new constitution, which had been generally approved of, and which he could not well object to, he says, " I will now add what I do not like: " first, the omission of a bill of rights, &c. &c. " The second feature I *dislike*, and *greatly* dislike, " is, the abandonment, *in every instance*, of the " *necessity* of *rotation in office*, and *most particularly*

* Notes on Virginia, p. 175. " Those who labour on the earth, are the chosen people of God, *if ever he had a chosen people*."

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" in the case of the *President*. Smaller objections " are, the appeal in fact as well as law, and the " *binding* all persons, legislative, executive, and " judicial, by *oath*, to *maintain that constitution*. " I do not pretend to decide what would be the " best method of procuring the establishment of " the manifold good things in this constitution, " and of getting rid of the bad. Whether by " adopting it in hopes of future amendment, or, " after it has been duly weighed and canvassed by " the people, after seeing the parts they generally " dislike, and those they generally approve, to say " to them, " We see now what you wish: *send* " *together your deputies again*; *let them frame a* " *constitution for you, omitting what you have con-* " *demned, and establishing the powers you approved.*" " Even these will be a great addition to the energy " of your government. At all events, I hope you " will not be discouraged from other trials, if the " present one should fail of its full effects. The " *late rebellion* in Massachusetts, has given *more* " *alarm* than I think it should have done. Calcu- " late, that one rebellion in *thirteen* states, in the " course of *eleven* years, is but one for *each state* " in a century and a half: nor will any degree of " power in the hands of government prevent " insurrections. *France*, with all its despotism, " and two or three hundred thousand men in arms, " has had three insurrections in the three years I " have been here; in every one of which, greater " numbers were engaged than in Massachusetts, " and a great deal more blood spilt. Compare " again the *ferocious* depredations of their insur- " gents, with the *order*, the moderation, and the " almost self-extinguishment of ours." In another letter, of the 6th of July, 1788, he says, " I am " glad to hear the new constitution is received " with favour: I sincerely wish, that the *nine* first

" conventions may receive, and the *four last reject* " *it.* The former will secure it *finally*, while the " latter will OBLIGE them to offer a declaration of " rights, in order to COMPLETE THE UNION."— In another of the 31st same month, he says, " The " abandoning the principle of *necessary rotation* in " the *Senate*, has, I see, been disapproved by " *few*—in the case of the *President*, by *none.* I " readily, therefore, suppose *my opinion wrong*, " when opposed by the majority, as in the former " instance, and the totality, as in the latter."—In a letter of the 18th November, 1788, he says, " As to the bill of rights, however, I still think it " should be added; and I am glad to see, that " three states have at length considered the per- " petual re-eligibility of the President, as an arti- " cle which should be amended. I should *depre-* " *cate* with you, indeed, the meeting of a *new* " *convention.*"

" How far these extracts were *altered* or *mutilated*, is liable to question, from the manner of their appearance. It is observable, that the extract of the letter of the 6th July, though it was intended as part of the one which is mentioned in the debates of the Virginia convention, does not answer to the description given of it by Mr. Pendleton, who professes to have seen it; for he expressly states, with regard to that letter, that Mr. Jefferson, after having declared his wish respecting the issue of the deliberations upon the constitution, proceeds to *enumerate the amendments which he wishes to be secured.* The extract which was published, speaks only of a *bill of rights*, as the essential amendment to be obtained by the rejection of four states, which by no means agrees with the account given of it by Mr. Pendleton.

" Such nevertheless as they are, these extracts fully prove, that Mr. Jefferson advised the people of

of Virginia *to adopt the constitution*, or *not* to adopt it *upon a* CONTINGENCY; and that he was OPPOSED to it *in some of its most* IMPORTANT *features*, so much so, as, at first, to DISCOUNTENANCE *its* ADOPTION *altogether, without previous amendments*. He GREATLY DISLIKED the abandonment of the principle of *necessary rotation* in *every office*, and *most particularly* in the case of *President:* he wished the principle of rotation to extend not only to the executive, but to the other branches of the government, to the senate, at least, as is explained in a subsequent letter. This objection goes to the VERY STRUCTURE of the government, in a very IMPORTANT ARTICLE, and while it justifies the assertion that he was opposed to the constitution in some of its *most important features*, it is a specimen of the VISIONARY SYSTEM of politics of its author. Had it been confined to the office of chief magistrate, it might have pretended to some little plausibility; by being extended to other branches of the government, it assumes a different character, and evinces a *mind prone to projects*, which are *incompatible with the principles of stable government*, and disposed to multiply the *outworks*, while it leaves the *citadel* weak and *tottering*.

"Any person acquainted with *his manner*, and with the force of terms, will not hesitate to pronounce that he wished to recommend a recurrence to a *second convention*. The pains which he takes, while recommending a second convention, to remove the *alarm* naturally inspired by the *insurrection* in Massachusetts, which had recently occurred, are a strong confirmation of this opinion.

"It is not easy to understand what other object his comments on that circumstance could have, but to *obviate* the *anxiety* which it was calculated to inspire in the people for an *adoption* of the constitution, without a previous attempt to amend it,

and to remove all apprehension of *internal convulsions* from the dangerous experiment of a second convention.

" Thus it appears from the *very documents produced in exculpation* of Mr. Jefferson, that he in fact *discountenanced* in the first instance, *the adoption* of the constitution in its primitive form, favouring the idea of an attempt at previous amendments *by a second convention*; which was *precisely* the *line of policy* followed by all those who were at that time denominated ANTIFEDERAL, and who have generally since retained their original ENMITY against the constitution. As to those letters of Mr. Jefferson, which are *subsequent* to his *knowledge* of the *ratification* of the constitution by the *requisite number of states*, they prove nothing, but that he was willing to *play the politician*. They can at best only be received as expedient acts of *submission* to the opinion of the majority, which he professed to believe infallible, (resigning to it, with all possible humility, not only his conduct, but his judgment,) not as marks of *approbation*.

" It will be remarked that there was no want of *versatility* in his *opinions*; they kept pace tolerably well with the progress of the business, and were quite as *accommodating* as circumstances seemed to require. On the 31st July 1788, when the *adoption* of the constitution was *known*, the *various and weighty* objections of March 1787, had resolved themselves into the *simple* want of a bill of rights. In November following, on the strength of the authority of three states (over-ruling, in that instance, the maxim of implicit deference for the opinion of the majority) that *lately solitary* defect acquires a companion, in a *revival* of the *objection* to the re-eligibility of the President. And *another convention*, which had appeared no very alarming expedient, *while the entire constitution was in jeopardy*,

pardy, became an object to be *deprecated*, when *partial* amendments to an *already established constitution* were *alone* in question."

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"By those who attended to the opposition of Mr. Jefferson, while secretary of state, to the *measures* of the *treasury department*, it was made a question, whether that opposition flowed altogether from *his hostility* to the *head of that department* (whose *competition* might, at a *future period*, be apprehended, and whose *destruction* was therefore desirable) or from his entertaining *principles* respecting *public credit* and *national faith*, very different from those which have influenced all nations, who cherish those valuable pillars of *national strength*.

"As his conduct, while minister of the United States at Paris, in relation to this subject, may throw great light on his principles, I shall proceed to state the exact tenor of the *advice* which Mr. Jefferson gave to Congress, respecting the *transfer of the debt due to France, to a company of Hollanders*. After mentioning an offer which had been made by such a company for the purchase of the debt, he concludes with these *extraordinary* expressions—"If there is a *danger* of the public payments *not being punctual*, I submit whether it may not be better, that *the discontents which would then arise*, should be *transferred* from a *court*, of whose *good will we have so much need*, to the *breasts* of a *private company*."

"The above is an extract which was made from the letter in February 1787. The date of it was not noted, but the *original* being on the files in the department of state, will ascertain that, and all other particulars, relating to its contents—The genuineness of the extract may be depended upon.

" This letter was the subject of a *report* from the board of treasury, in February 1787: that board treated the idea of *transfer* proposed as both UNJUST and IMPOLITIC: *unjust*, because the nation would contract an engagement, which there was no well grounded *prospect* of fulfilling; *impolitic*, because a failure in the payment of interest on the debt transferred (which was *inevitable*) would *justly blast* all hopes of *credit* with the citizens of the United Netherlands, in future pressing *exigencies* of the Union; and the board gave it as their opinion, that it would be adviseable for Congress, *without delay*, to *instruct* their minister at the Court of France, to *forbear giving his sanction* to any such transfer.

" Congress agreeing in the ideas of the board, caused an *instruction* to that effect to be sent to Mr. Jefferson. Here there was a *solemn act of government condemning the principle as unjust and impolitic.*

" If the sentiment contained in the extract, which has been recited, can be vindicated from political *profligacy*—then *is it necessary to unlearn* all the ancient notions of *justice*, and to substitute some new-fashioned scheme of morality in their stead.

" Here is no complicated problem, which *sophistry* may entangle or obscure. Here is a plain question of *moral feeling*. A government is *encouraged* on the *express condition* of *not having a prospect* of making a *due provision* for a debt which it owes, to *concur in* a *transfer of that debt* from a *nation, well able* to bear the inconveniencies of failure or delay, to *individuals* whose *total ruin* might have been the consequence of it; and that, upon the *interested* consideration of having need of the good will of the creditor nation, and with the *dishonourable* motive, as is clearly implied, of having *more* to apprehend from the discontents of that nation,

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than from those of disappointed and *betrayed* individuals. Let every *honest* and impartial mind, consulting its own spontaneous emotions, pronounce for itself upon the rectitude of such a suggestion.

" An effort, scarcely plausible, has been heretofore made by the partisans of Mr. Jefferson, to explain away the *turpitude* of this advice *. It was represented, that " a company of adventuring speculators had offered to purchase the debt at a discount, foreseeing the delay of payment, calculating the probable loss, and willing to encounter the hazard."—But the terms employed by Mr. Jefferson refute this species of apology. His words are, " if " there is a *danger* of the public payments *not being* " *punctual*, I submit whether it *may not be better*, " that *the discontents which would then arise*, should " be *transferred* from a *court* of whose *good will* " *we have so much need*, to the *breasts* of a *private* " *company*."

" He plainly takes it for granted, that *discontents would arise* from the want of an adequate provision, and proposes that they should be *transferred* to the breasts of *individuals*. This he could not have taken for granted, if, in his conception, the purchasers had calculated on delay and loss.

" The true construction then is, that the company expected to purchase at an under value, from the probability that the Court of France might be willing to *raise a sum* of money on this fund, *at a sacrifice—supposing* that the United States, counting on *her friendly indulgence*, might be less inclined to press the reimbursement; not that they calculated on *material delay*, or neglect, when the *transfer should be made to them*. They probably made a

* See Jefferson's attempted Vindication, in Dunlap's Daily Advertiser, of October 1792.

very different calculation, (to wit) that as it would be *ruinous to the credit of the United States abroad*, to neglect any part of its debt, which was contracted there with *individuals*, from the impossibility of one part being distinguishable from another in the public apprehensions, this consideration would *stimulate to exertions* to provide for it; and so it is evident *from his own words* that *Mr. Jefferson understood it.*

"But the persons who offered to purchase were by the apologist called SPECULATORS. The cry of speculation, as usual, was raised; and this with some people, was the *panacea*, the *universal cure* for *fraud and breach of faith.*

"It is true, as was alleged by the apologist, Mr. Jefferson mentioned an alternative, the obtaining of money by new loans, to reimburse the Court of France; but this is not mentioned in any way that *derogates from or waves the advice* given in the first instance. He merely presents an alternative, in case the first idea should be disapproved.

"It may be added, the advice respecting the transfer of the debt *was* little more honourable to the United States, as it regarded *the Court of France*, than as it respected the Dutch company. What a *blemish* on our *national character*, that a debt of so sacred a nature should have been transferred at so *considerable* a loss *to so meritorious a creditor!*"

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"We shall now take leave of Mr. Jefferson and his pretensions, as a *Philosopher* and *Politician.* The candid and unprejudiced, who have read with attention, the foregoing comments on his philosophical and political works, and on his public conduct, must now be convinced, however they may hitherto have been *deceived* by a *plausible* appearance and *specious* talents, or misled by artful partisans,

sans, that the reputation he has acquired is not bottomed on *solid merit*—that his abilities have been more directed to the acquirement of literary fame than to the substantial good of his country—that his philosophical opinions have been capricious and wavering, often warped by the most frivolous circumstances—that in his political conduct, he has been timid, inconsistent, and unsteady, generally favouring measures of a factious and disorganising tendency, always leaning to those, which would establish his popularity, however destructive of our peace and tranquillity—that his political principles are sometimes whimsical and visionary, at others, subversive of all regular and *stable* government—that his writings have betrayed a disrespect for *religion*, and his partiality for the impious Paine an enmity to *Christianity*—that his advice, respecting the Dutch company, and his open countenance of an incendiary Printer, and of the views of a faction, manifest a want of due regard for *national faith* and *public credit*—that his *abhorrence* of *one* foreign nation and *enthusiastic devotion* to *another*, have extinguished in him every germ of real *national character*; and, in short, that his elevation to the Presidency must eventuate either in the *debasement* of the American name, by a whimsical, inconsistent, and feeble administation, or in the *prostration* of the United States at the *feet of France*, the *subversion* of our excellent *Constitution*, and the consequent *destruction* of our present *prosperity*."

Such are the character and conduct of the man, who is now President of the United States. Let it be remembered, that it is not *I*, it is not any Royalist that says this; but a Republican, an American, a gentleman who was long a member of Congress, and who is now an Ambassador.

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CONVENTION CONCLUDED BETWEEN AMERICA AND FRANCE, IN 1800.

WHILE the Election of Jefferson was troubling the domestic happiness of America, the envoys of Adams concluded a Convention at Paris, well calculated to embroil her with Great Britain.

Convention between the French Republic and the United States of America.

The First Consul of the French Republic, in the name of the French People, and the President of the United States of America, equally animated with a desire to put an end to the differences which have arisen between the two States, have respectively nominated their Plenipotentiaries, and invested them with full powers to negotiate upon these differences and terminate them: That is to say, the First Consul of the French Republic, in the name of the French People, has nominated for Plenipotentiaries of the said Republic the Citizens Joseph Bonaparte, Ex-Ambassador of the French Republic at Rome, and Counsellor of State, Charles-Pierre Claret-Fleurieu, Member of the National Institute, and of the Office of Longitude of France, and Counsellor of State, President of the Section of Marine; and Pierre-Louis Rœdérer, Member of the National Institute, and Counsellor of State, President of the Section of the Interior, and the President of the United States of America, by and with the advice and consent of the Senate of said States, has appointed for their Plenipotentiaries Oliver Ellsworth, Chief Justice of the United States, William Richardson Davie, *ci-devant* Governor of North Carolina, and Williams Vans Murray, Resident Minister of the United States at the Hague:

Who, after having exchanged their full powers, and patiently and carefully discussed their respective interests, have agreed to the following articles:

Art. I. There shall be a firm, inviolable and universal peace, and true and sincere friendship between the French Republic and the United States of America, as well between their countries, territories, cities, and places, as between their citizens and inhabitants, without exception of persons or places.

II. The Ministers Plenipotentiary of the two parties, not being empowered at present to agree relative to the treaty of alliance of the 6th of February, 1778, to the treaty of friendship and commerce of the same date, and to the convention of

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the 14th of November, nor to the indemnities mutually due and claimed, the parties shall further negotiate upon these points at a convenient time; and until they shall be agreed upon these points, the said treaties and convention shall have no effect, and the relations of the two nations shall be regulated as follows:

III. The ships belonging to the State taken on either side, or which may be taken before the exchange of ratifications, shall be given up.

IV. The properties captured and not yet definitively condemned, or which may be captured before the exchange of ratifications, except contraband merchandise destined for an enemy's port, shall be mutually restored upon the following proofs of property, viz.

On the one part and on the other, the proofs of property relative to merchant vessels armed or unarmed shall be a passport in the following form:

"To all those to whom these presents shall come, be it known, that power and permission has been given to——, Master or Commander of the vessel called the——, of the city of——, of the burden of——tons, or thereabouts, now lying in the port or harbour of——, and destined for——, laden with——, that after his ship has been visited, and before his departure, he shall make oath before officers authorized for that purpose, that the said ship belongs to one or more subjects of——, the execution of which form shall be annexed to these presents, in order that he may observe and cause to be observed by his crew the maritime ordinances and regulations, and give in a list signed and attested, containing the names and sirnames, places of birth and abode, of the persons composing the crew of his ship, and of all on board her, whom he shall not receive on board without the knowledge and permission of the officers authorized for that purpose; and in every port and harbour where he shall enter with his ship, he shall shew the present permission to the proper officers, and make to them a faithful report of all that has passed during his voyage, and carry the colours, arms, and flags of the French Republic or the United States, during his said voyage: in testimony of which we have signed these presents, caused them to be countersigned by——, and thereunto put the seal of our arms.

"Given at——, in the year of our Lord——."

And this passport shall be sufficient without any other document, notwithstanding any regulation to the contrary.

It shall not be necessary to renew or revoke this passport, whatever number of voyages the said ship shall have made, unless they shall not have returned home within the space of a year.

With respect to the cargo the proofs shall be certificates, containing an account what place the ship has left, and where

it is going to, so that prohibited and contraband merchandise may be distinguished by certificates, which certificates shall have been made by the officers of the place from whence the ship shall have set out, agreeable to the accustomed forms of the country. And if these passports or certificates, or both, shall have been destroyed by accident, or taken away by force, the want of them shall be supplied by every other proof of property admissible according to the general usage of nations.

For other ships besides merchant ships the proof shall be the commissions they bear. This article shall take effect from the date of the signature of the present Convention; and if by the date of the said signature property shall have been condemned contrary to the spirit of the said Convention, and previous to the knowledge of this stipulation, the property so condemned shall be restored or paid for.

V. The debts contracted by either of the two nations towards the individuals of each shall be acquitted, or the payment shall be in course, as if there had been no misunderstanding between the two States; but this clause shall not extend to indemnities claimed for captures or condemnations.

VI. The trade between the two parties shall be free; the ships of the two nations, and their privateers, as well as their prices, shall be treated in their respective ports as those of the most favoured nation, and in general the two parties shall enjoy in each other's ports, with respect to commerce and navigation, the same privileges as the most favoured nations.

VII. The citizens and inhabitants of the United States may dispose by will, donation, or otherwise, of their goods, moveable and immoveable property possessed in the European territory of the French Republic, and the citizens of the French Republic shall have the same power with regard to the goods, moveable and immoveable property possessed in the territory of the United States, in favour of such persons as they shall think proper. The citizens and inhabitants of one of the two States, who shall be heirs of the goods, moveable and immoveable property situate in the other, may succeed *ab intestat*, without there being any necessity for letters of neutrality, and without the effect of this stipulation being contested or impeached under any pretence whatever; and the said heirs, whether by private right, or *ab intestat*, shall be exempt from all right whatever of any one in either of the two nations. It is agreed, that this article shall not derogate in any manner from the laws which are now in force, in either of the two nations, or which may be promulgated hereafter against emigration; and also, that in case the laws of either of the two States shall limit to foreigners the exercise of the right of immoveable property, such immoveable property may be sold, or otherwise disposed, in favour of the inhabitants or citizens of the country where they shall be situate;

situate; and it shall be open to the other nation to establish similar laws.

VIII. To favour the commerce of both nations, it is agreed, that if war (which God forbid) should break out between the two nations, the merchants and other citizens, or respective inhabitants, shall be allowed on both sides six months after the declaration of war, during which period they shall have time to retire, with their effects and moveables, which they may carry away, or sell, as they think proper, without the least impeachment, their effects, and still less their persons, shall not, during the period of six months, be seized. On the contrary, they shall have passports, which shall be valid for the time necessary to enable them to return home, and those passports shall be given for themselves, as well as for their ships and effects which they shall desire to take or send away. These passports shall serve as protections against all insults and all captures on the part of privateers, as well with regard to themselves as their effects; and if within the term above-mentioned there shall have been committed by one of the parties, its citizens, or inhabitants, any wrong towards their persons or their property, they shall have complete satisfaction.

IX. The debts due by individuals of one of the two nations to the individuals of the other shall not, in case of war or national dispute, be sequestered or confiscated, no more than the claims or funds which shall be found in the public funds, or in the public or private banks.

X. The two contracting parties may nominate for the protection of trade Commercial Agents, who shall reside in France and the United States. Each of the parties may accept such place as it shall judge proper, where the residence shall be fixed. Before any agent can exercise his functions, he must be accepted according to the received forms of the party to which he is sent, and when he shall be received and provided with his *exequatur*, he shall enjoy the rights and prerogatives which are enjoyed by similar agents of the most favoured nations.

XI. The citizens of the French Republic shall not pay, in any ports, harbours, roads, countries, islands, cities, and places of the United States, other or greater duties or imposts, of whatever nature soever they may be, and whatever names they may have, than those which the most favoured nations are or shall be bound to pay; and they shall enjoy all rights, liberties, privileges, immunities, and exemptions, relating to trade, navigation, and commerce, whether in passing from one part of the said States to another, or whether in going there or returning from some part to any part of the world that the said nations enjoy, or shall enjoy, and reciprocally the citizens of the United States shall enjoy in the territory of the French Republic, in Europe, the same privileges, and immunities, as well for their

goods

goods as their persons, as for what concerns trade, navigation, and commerce.

XII. The citizens of the two nations may conduct their vessels and their merchandises (always excepting such as are contraband) from any port to another belonging to the enemy of the other nation. They may navigate and commerce, with full liberty and security, with their ships and merchandises, in the countries, ports, and places of the enemies of the two parties, or of the one or the other party, without obstacles or interruption, and not only pass directly from the places and ports of the enemy above-mentioned to neutral ports and places, but from every place belonging to an enemy, to any other place belonging to an enemy, whether it be or be not subject to the same jurisdiction, unless those places or ports shall be really blockaded, besieged, or invested.

And in case, as it often happens, when vessels shall be sailing for places or ports belonging to an enemy, ignorant that they are blockaded, besieged, or invested, it is agreed that every ship which shall be found under such a predicament shall be turned from that place or port without any part of its cargo being retained or confiscated (unless it shall be contraband, or it shall be proved that the said ship, after having been informed of the blockade or investiture, attempted to enter the same port,) but it shall be allowed to go to any other port or place it shall think proper. No ship of either nation, entered in a port or place before it shall have been really blockaded, besieged, or invested by the other, shall be prevented from going out with its cargo: if it shall be there when the said place shall surrender, the ship and cargo shall not be confiscated, but sent away to the proprietors.

XIII. To regulate what shall be understood by contraband warlike stores, under this denomination shall be comprized powder, saltpetre, petards, matches, balls, bullets, bombs, grenades, carcasses, pikes, halberts, swords, belts, pistols, scabbards, saddles, harness, cannons, mortars, with their carriages, and generally all arms and ammunitions of war and utensils for the use of troops. All the above articles, whenever they shall be destined for an enemy's port, are declared contraband, and justly subject to confiscation; but the ship in which they shall be laden, as well as the rest of the cargo, shall be considered as free, and shall in no manner be vitiated by the contraband merchandise, whether they belong to the same or different proprietors.

XIV. It is stipulated by the present treaty, that the free ships shall equally assure the liberty of merchandise, and that all things shall be deemed free, which are found on board ships belonging to the citizens of one of the contracting parties, even though the same, or part of it, shall belong to the enemies of one of the two; provided, nevertheless, that contraband goods

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are always excepted. It is likewise agreed, that this same liberty shall extend to persons who may be on board the free ship, though they should be enemies of one of the two contracting parties, and they shall not be taken from the said free ships, unless they are in a military capacity, and actually in the service of the enemy.

XV. It is on the contrary agreed that all property which shall be put, by the respective citizens, on board ships belonging to an enemy of either party, or their subjects, shall be confiscated without distinction of merchandise, prohibited or not prohibited, so and in like manner as if it belonged to an enemy, with the exception always of property and effects which shall have been put on board the said ships before the declaration of war, or even after the said declaration, if at the time of lading the party were ignorant of it, so that the merchandises of citizens of the two parties whether they be in the number of contraband or not, which, as has been already said, shall have been put on board a ship belonging to an enemy before the war, or even after the said declaration of war in ignorance of it, shall not be in any manner subject to confiscation, but shall be faithfully and truly given up without delay to the owners claiming them, provided nevertheless that they shall not be permitted to carry into the enemies ports merchandise which shall be contraband. The two contracting powers agree, that after a term of two months has passed from the declaration, their respective citizens, in whatever part of the world they may be, shall not be at liberty to plead the ignorance mentioned in this article.

XVI. Merchant vessels belonging to citizens of either of the contracting powers, when they shall have a mind to pass to the port of an enemy of the one or the other, and that their voyage as well as the nature of their cargo shall afford just cause of suspicion, the said ship shall be obliged to exhibit at high sea, as well as in ports and roads, not only their passports but further their certificates, proving that these goods are not of the class of contraband specified in the 13th article of the present convention.

XVII. And in order to prevent captures on frivolous suspicions, and the damage thence resulting, it is agreed that when one of the two powers shall be at war, and the other neutral, the vessels of the neutral party shall be provided with passports similar to those specified in the 14th article, so that it may thence appear that the parties belong to a neutral party. These passports shall be valid for any number of voyages whatever; but they shall be renewed every year, if the ship returns home within the space of a year. If these ships are laden, they shall be provided not only with the passports above-mentioned, but also with certificates of the description of those mentioned in the same article, so that it may be known whether they have on board contraband goods. No other paper shall be required,

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all usages and regulations to the contrary notwithstanding; and if it should appear from these certificates that there is not contraband merchandise on board, the said ships shall be left to pursue their destination. If, on the contrary, it should appear from these certificates that the said ships have contraband merchandise on board, and the commander offers to deliver them up, the offer shall be accepted, and the ship left at liberty to prosecute her voyage, unless the quantity of contraband goods should be too great to admit of being taken on board of the ship of war or cruiser; in this case the ship shall be carried into port for the purpose of there delivering the said goods.

Should a ship be found without the passports or the certificates above required, the business shall be examined by competent judges or tribunals; and if it should appear from other documents or proofs admissible by the law of nations that the ship belongs to citizens of the neutral power, it shall not be condemned, and it shall be set at liberty with its cargo, contraband goods excepted, and shall have leave to prosecute its voyage.

Should the captain named in the passport happen to die or be removed, and another shall have been appointed in his place, the ship and cargo shall be nevertheless secure, and the passport shall remain in full force.

XVIII. If the vessels belonging to citizens of the one nation or the other shall be met along the coast, or on the high seas, by any ship of war or cruiser belonging to the other, to prevent all disorder, the said ships or cruisers shall keep beyond the reach of cannon shot, and shall send their boat on board the merchant vessel so met with. They shall not be allowed to send on board more than two or three men to demand from the master or captain of the ship the exhibition of his passport concerning the property of said ship, executed agreeable to the form prescribed in the 14th article, as also the certificates above-mentioned relative to the cargo. It is expressly agreed that the neutral captain shall not be obliged to go on board the visiting ship for the purpose of there shewing the papers demanded, or for any other information whatever.

XIX. It is expressly agreed by the parties, that the above stipulations relative to the conduct to be observed at sea by the cruisers of the belligerent party towards the vessels of the neutral party shall apply only to ships sailing without convoy: and in case, when the said ships shall be convoyed, the intention of the parties being to observe all the respect due to the protection of the flag hoisted on board ships of the state, no visit shall be made. But the verbal declaration of the commander of the escort, that the ships under his convoy belong to the nation whose flag he carries, and that they have not any thing contraband on board, shall be taken by the respective cruisers as amply sufficient. The two parties bind themselves reciprocally

cally not to admit under protection of their convoys any vessels carrying contraband merchandise destined for an enemy.

XX. In case when the ships shall be taken or stopped, under alleged grounds of their carrying any contraband articles to the enemy, the captor shall give a receipt of the ship's papers which he shall detain, which receipt shall be subjoined to a declaratory list of the said papers. He shall not be permitted to force or open the hatches, coffers, chests, drawers, bales, &c. found on board ships, nor to carry off the smallest article of the effects, before the cargo has been disembarked in presence of the officers competent to make an inventory of the said effects. They cannot in any manner be sold, exchanged, or alienated, unless, after a legal process, the competent judge or judges have passed upon the said effects a sentence of confiscation (excepting always the ship and the other objects that it contains).

XXI. In order that the vessel and the cargo may be watched with care, and in order to prevent mistakes, it is decreed that the master, captain, or supercargo of the captured ship cannot be taken from on board, either while the ship is at sea, after being taken, during the proceedings against it, its cargo, or any thing relative to it.

In case of the ship belonging to either party being taken, seized, and retained for judgment, its officers, passengers, and crews shall be treated with humanity; they cannot be imprisoned nor robbed of their clothes or pocket money, not exceeding for the captain, supercargo, and second, five hundred dollars each; and for the sailors and passengers one hundred dollars each.

XXII. It is moreover agreed on, that in every case the tribunals appointed for prize causes in the countries whither the prizes shall be taken, shall alone be competent to try them; and every judgment which the tribunal of either party pronounces against a ship, or merchandise, or property, reclaimed by the citizens of the other party, the sentence or decree shall make mention of the reasons or motives which have determined this judgment, of which an authentic copy, as well as of all the proceedings relative to it, shall, on their requisition, be delivered without delay to the captain or agent of the said ship, after paying the expenses.

XXIII. And finally, in order more effectually to provide for the respective security of the citizens of the two contracting parties, and to prevent the injuries to be feared from ships of war or privateers of either party, all the commanders of ships of war or privateers, and all the citizens of both parties shall refrain from all violence against one another, and from every personal insult. If they act in a contrary manner they shall be punished, and bound over in their persons and properties to give satisfaction and reparation for the damage, with interest, of whatever kind the said damage may be.

To this effect, all the captains of privateers, before receiving their commissions, shall become bound before a competent judge, to give security by two responsible cautions at least, who shall have no interest in the said privateer, and whom each, as well as the captain, shall engage individually for the sum of 7,000 dollars, or 36,820 francs, if the said vessels carry more than 150 sailors or soldiers, for the sum of 15,000 dollars, or 73,670 francs, which shall serve to repair the damage that the said privateers, their officers or crews, or any of them, shall have committed during their cruise contrary to the dispositions of the present Convention, or to the laws and instructions which ought to be the rule of their conduct: besides this, the said commission shall be revoked and annulled in every case where an aggression has been committed.

XXIV. When the ships of war of the two contracting parties, or those which their citizens shall have armed, shall be admitted with their prizes into the ports of either of the two parties, the said public or private vessels, as well as their prizes, shall not be obliged to pay any duties, either to the officers of the place, or to the judges, or to any others. The said prizes, entering in the harbours or ports of one of the two parties, shall not be arrested or seized, and the officers of the place shall not take cognizance of the validity of the said prizes, which are to be suffered to go out, and be conducted with full freedom and liberty to their ports, by the commissions which the captains of the said vessels shall be obliged to shew. It is always understood, that the stipulations of this article shall not extend beyond the privileges of the most favoured nations.

XXV. All foreign privateers, having commissions from a State or Prince at war with one or other nation, cannot arm their vessels in the ports of either nation, or dispose of their prizes there, or in any manner exchange them. They shall not be allowed to buy provisions further than the necessary quantity to gain the nearest port of the State or Prince from whom they shall have received their commissions.

XXVI. It is further agreed that neither of the two contracting parties shall receive pirates in its ports, roads or cities, and shall not permit any of its inhabitants to receive, protect, support, or conceal them in any manner, but shall deliver up to due punishment such of its inhabitants as shall be guilty of the like acts or crimes: the ships of those pirates, as well as their effects and merchandise, shall be seized wherever they shall be discovered, and restored to their proprietors, agents, or factors, duly authorized by them, after having proved their right before judges competent to decide respecting the property.

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If the said effects have passed by sale into other hands, and the purchasers were or might be informed, or have suspected that the said effects were carried away by pirates, they shall be equally restored.

XXVII. Neither of the two nations shall interfere in the fisheries of the other upon its coasts, nor disturb it in the exercise of the rights which it now has, or may acquire on the coasts of Newfoundland, in the Gulf of St. Lawrence, or elsewhere on the coast of America, or the North of the United States; but the whale and seal fishery shall be free for the two nations in all parts of the world.

The Convention shall be ratified on both sides in due form, and the ratifications shall be exchanged in the space of six months, or sooner if it be possible. In faith whereof the respective Plenipotentiaries have signed the above articles, as well in the French as in the English language, and have placed their seals, declaring, nevertheless, that the signature in two languages shall be cited as an example, and shall not prejudice either of the two parties.

Done at Paris, the 8th day of Vendémiaire, the 9th year of the French Republic, and the 3d day of September, 1800.

(Signed) JOSEPH BONAPARTE.
C. P. FLEURIEU.
RŒDERER.
OLIV. ELSWORTH.
W. R. DAVIE.
W. V. MURRAY.

For an exact Copy, C. M. TALLEYRAND.

REMARKS.

The papers last received from Paris, have brought us a copy of the *Convention*, as it is called, between France and America. Our readers will recollect, that, so lately as the month of July, there was little prospect of such an accommodation taking place. The Corsican Usurper discovered a disposition rather hostile than otherwise towards Mr. Adams, whose humble supplicants were treated with every mark of disrespect, not to say contempt and ridicule. It is evident that, at that time, Bonaparte had no desire to form a convention with them, but to wait the result of the ensuing election

of President of the United States, which was likely to transfer the treaty-making power from Adams to Jefferson, and thereby secure to France every gratification and advantage that her cormorant vanity and ambition could demand. The change in the Corsican's conduct, and the sudden conclusion of the present Convention, we do not scruple to attribute to the unexpected dispute between Great Britain and Denmark, which, joined to the strange conduct of the Emperor of Russia, has excited, in the minds of the French, malignant and cowardly hopes of seeing the Northern powers combine for the purpose of reviving and enforcing those exploded claims, which our country ever has resisted, and which, while she has powder, ball, and British blood, we trust she ever will resist.

But our opinion, as to the motives of the Convention, does not rest so much on extraneous circumstances, as on the internal evidence of that instrument itself, which appears to have been made, and promulgated, as a protest against those principles of public law, to which Great Britain adheres, and from which, it was well known, she cannot and will not depart.

The great points in dispute, between France and America, are left entirely unsettled by the Convention. France complained of the inexecution, in several instances, of the Treaties and Convention of 1778 and 1788; America complained of the spoliations committed on her commerce, of the insults offered to her flag, of the national frauds practised on her merchants, of the imprisonment, the castigation, and the murder, of her mariners. The professed object of the mission to France was to obtain "*satisfaction for insult, and reparation for injury.*" This was the language of the President, as well as of all those who attempted to defend his negotiating measures. But, behold! instead of obtaining

obtaining "satisfaction for insults, and reparation for injury;" instead of adjusting the disputes which had produced a sort of sham war between the parties, their "Ministers Plenipotentiary, not being able, *at present*, to come to an agreement with regard to the treaty of *alliance* of February 1778, &c. nor, with regard to the *indemnities* mutually due and claimed, the parties will negotiate hereafter, at a *convenient time*." Thus are all the injuries and insults, and the treaty of *alliance*, laid upon the shelf, till a more *convenient* time, and the parties enter into a Convention consisting merely of commercial regulations, which, as we shall presently see, are levelled directly against the principles and the power of Great Britain.

The fourteenth article of the Convention stipulates, that *free ships shall make free goods*. It runs thus:

"14. It is stipulated by the present treaty, that "free ships shall likewise insure the freedom of "goods, and that all things on board shall be "reckoned free, belonging to the citizens of one "of the contracting parties, although the cargo "or part of it, should belong to the enemies of the "two; it being understood, nevertheless, that "contraband goods will always be excepted. It "is likewise agreed, that this freedom shall extend "to the persons of those who shall be found on "board the free ships, although they should be "enemies to one of the two contracting parties, "and it shall not be lawful to take them from the "said free ships, at least if they are not soldiers, "and actually in the service of the enemy."

This article is not new: the same stipulation is to be found in the commercial treaty between France and America, of 1778, as well as in the commercial treaties of many other powers. But while we allow that the stipulation contains no-

thing unprecedented, we contend in opposition to the insolent pretensions of France, and the more insolent assertions of her hirelings in this country, that the *freedom of goods* here stipulated for may be granted, or withheld, at the pleasure of any contracting party. Whoever examines the best writers on the subject will find, that, long since the nations of Europe assumed nearly their present relative state, it was the *general practice* to prohibit *all trade whatever* with an enemy. As the nations grew more polished (as it is called) and as their relations increased by means of maritime commerce, the rigour of this practice was gradually softened, till confiscation was, at last, confined to the vessels and property of enemies, to certain articles termed contraband of war, and to *the property of enemies found on board of neutral vessels.* Thus far the relaxation became pretty general about the time of Queen Elizabeth. But some powers wished to extend the freedom of commerce still further; even so far as *to protect enemies goods found on board of neutral vessels*; and to do this the Queen of England, not perceiving the dangerous consequences, was one of the first to assert her right. Fortunately, however, for Great Britain, the right was disputed, and that too by the United Provinces, even before their independence was fully assured. They took some English vessels laden with Spanish property, and condemned the cargoes, without paying freightage. The Queen, at first, resented this conduct in an infant state that was chiefly indebted to her for support; but, notwithstanding the well known tenacity and imperiousness of her disposition, her wisdom and justice prevailed, and she, at last, acquiesced in the legality of the capture.

But the advocates for the freedom of goods, unable to contend against the host of authorities, such as we have above appealed to, tell us that we are not

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to go back so far, but confine ourselves to what they call the *modern* law of nations. Within what limits they mean to circumscribe the word *modern*, we cannot exactly ascertain, unless they insist, that the modern law of nations dates its beginning from what they call the "*new style*;" in which case, thank God, we are ancients yet. But however cramped may be the signification which the sons of *Fructidor* and *Floréal* are pleased to give to the word *modern*, we Christians know, that the modern law of nations means that public law, or rather practice, which the present nations of Europe have observed towards each other. Lest, however, the example of Queen Elizabeth should be too ancient, we will descend to times still more modern; and that the example may be, if possible, yet more strikingly applicable, we shall appeal to the practice of the French nation itself.

The famous Ordinance of 1681, which might be called the Navigation Act of France, expressly declared to be good prize, not only the enemy's goods found on board of a neutral vessel, but the *neutral vessel also*. This brings us down to the close of the seventeenth century; but, as that may be yet too ancient for the *decadery* civilians, let us continue to descend, still continuing our appeal to the practice of France. The Ordinance of 1681, was mitigated by successive treaties, in which France, according as her interest prescribed, refused, or granted, the permission which is now contended for as a *right*; but after these treaties, and even so late as 1757, she declared to the Republic of Holland, that, if any *goods belonging to her enemy* were found on board of Dutch vessels, such goods should be condemned as good prize, and to this declaration the practice was conformable, during the whole war, which ended in 1763, only *thirty-seven years ago*. So that unless the men

of the "new style" will absolutely *sans-culotte* us, and insist upon it that our fathers were antedeluvians, and that we ourselves were born in the ages of antiquity, we must, on our part, insist, that the principles adhered to by Great Britain, is a principle of the modern law of nations, and is, moreover, sanctioned by the practice of France.

How America will attempt to maintain this newly assumed right, after having denied its existence in the most solemn and formal manner, we are at a loss to conceive. In her treaty with Great Britain, she stipulates, that neutral bottoms, as far as the contracting parties are concerned, shall *not* make neutral goods; and, in an official note from the then Secretary of State, Mr. Jefferson, to citizen Genet, she explicitly maintains the general principle for which *we* contend. The words, which are as strong as words can be, are as follow: "I believe it cannot be doubted, but that, by the general law of nations, the goods of a friend found in the vessel of an enemy are free, and *the goods of an enemy found in the vessel of a friend are lawful prize.* Upon this principle, I presume, the British armed vessels have taken the property of French citizens found in our vessels, in the cases above mentioned; and I confess I should be at a loss on what principle to reclaim it. It is true, that sundry nations, desirous of avoiding the inconveniences of having their vessels stopped at sea, ransacked and carried into port and detained, under pretence of having enemies goods on board, have, in many instances, introduced by their *special treaties* another principle between them, that enemy bottoms shall make enemy goods, and friendly bottoms friendly goods; a principle much less embarrassing to commerce, and equal to all parties in point of gain and loss; *but this is altogether the effect of particular treaty, controling, in special cases, the general principle of the*

the law of nations, and therefore taking effect between such nations only as have so agreed to control it." Mr. Jefferson has, indeed, said no more here than all the writers on public law had said before him: or quoting the Republican Philosopher in preference to more established authorities is intended as a compliment to the Morning Chronicle *.

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* *Extract of a Letter from Mr.* JEFFERSON, *Secretary of State in America, to Mr.* GENET, *Minister Plenipotentiary of France, dated Philadelphia, July* 24, 1793.—See State Papers, published by order of Congress, in 1795, page 71.

I believe it cannot be doubted, but that by the general law of nations, the goods of a friend found in the vessel of an enemy, are free; and the goods of an enemy found in the vessel of a friend, are lawful prize. Upon this principle, I presume, the British armed vessels have taken the property of French citizens found in our vessels, in the cause above mentioned, and I confess I should be at a loss on what principle to reclaim it. It is true, that sundry nations, desirous of avoiding the inconveniences of having their vessels stopped at sea, ransacked, carried into port, and detained under pretence of having enemy goods on board, have, in many instances, introduced, by their *special treaties*, another principle between them, that enemy bottoms shall make enemy goods, and friendly bottoms friendly goods; a principle much less embarrassing to commerce, and equal to all parties in point of gain and loss; but this is altogether the effect of particular treaty, controling in special cases, the general principle of the law of nations, and therefore taking effect between such nations only, as have so agreed to control it. England has generally determined to adhere to the rigorous principle, having in no instance, as far as I recollect, agreed to the modification of letting the property of the goods follow that of the vessel, except in the single one of her treaty with France. We have adopted this modification in our treaties with France, the United Netherlands, and Prussia, and therefore, *as to them*, our vessels cover the goods of their enemies, and we lose our goods when in the vessels of their enemies. With England, Spain, Portugal, and Austria, we have no treaties, therefore we have nothing to oppose to their acting according to the general law of nations, that enemy goods are lawful prize, though found in the bottoms of a friend.

Extract

While, however, we contend for, and prove, the right of Great Britain to seize her enemy's goods on board of neutral vessels, we blame neither France nor America for *giving up* the same right; and our only reason for entering into the preceding discussion is, to prepare the minds of our countrymen for the resistance of pretensions, which may probably be preferred, and which, if preferred, will certainly be supported by the base and parricidal prints devoted to the enemy.

Another article of the Convention is more novel in its principle, as well as more hostile in its views, as considered with respect to Great Britain.—Ar-

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Extract of a Letter from Mr. JEFFERSON, *Secretary of State in America, to Mr.* MORRIS, *Minister Plenipotentiary of the United States, with the Republic of France, dated Philadelphia, 16th August,* 1793.—See State Papers, published by order of Congress, in 1795, page 82.

Another source of complaint with Mr. Genet has been, that the English take French goods out of American vessels, which, he says, is against the law of nations, and ought to be prevented by us. On the contrary, we suppose it to have been long an established principle of the law of nations, that the goods of a friend are free in an enemy's vessel, and an enemy's goods lawful prize in the vessel of a friend. The inconvenience of this principle, which subjects merchant vessels to be stopped at sea, searched, ransacked, led out of their course, has induced several nations latterly to stipulate against it by treaty, and to substitute another in its stead, that free bottoms shall make free goods, and enemy bottoms enemy goods; a rule equal to the other in point of loss and gain, but less oppressive to commerce. As far as it has been introduced, it depends on the treaties stipulating it, and forms exceptions, in special cases, to the general operation of the law of nations. We have introduced it into our treaties with France, Holland, and Prussia, the French goods found by the latter nations in American bottoms are not made prize of. It is our wish to establish it with other nations. But this requires their consent also, as a work of time, and in the meanwhile they have a right to act on the general principle, without giving to us or to France cause of complaint.

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ticle 19. " It is expressly agreed by the parties, " that the above stipulations, with regard to the " conduct to be held on the sea by the cruisers of " the belligerent party to the traders of the neutral " party, shall not apply but to vessels sailing with- " out convoy; and in case the said ships shall be " *convoyed*, the intention of the parties being to " pay all respect due to the protection of the flag " carried by ships belonging to the nation, *it shall* " *not be lawful to visit them.*—But the *verbal de-* " *claration* of the commandant of the escort, that " the vessels under his convoy belong to the nation " whose flag he carries, and that they have nothing " contraband on board, shall be considered by the " respective cruisers as fully sufficient; the two " parties reciprocally engaging not to admit, under " the protection of their convoys, any vessels car- " rying prohibited goods to an enemy's port."

There is, as far as we can recollect, no such stipulation as this in any other treaty or convention that ever was formed in the world; it is, in fact, a formal protest against the conduct of Great Britain in her late dispute with Denmark, and an insidious invitation to the Northern Powers to coalesce for enforcing the unreasonable pretensions of that Court. That no Minister of Great Britain will ever yield to such pretensions we are certain; but we will not promise, that no British subject will be found ignorant, abject, and wicked enough to support them; and, therefore, we think it our duty to expose their absurdity and injustice.

" Effects belong to the enemy," says *Vattel* (b. iii. c. 7.) " found on board a neutral ship, *are seiz-* " *able by the rights of war.*"—The same high authority (b. iii. c. 7.) says; " The nation at war is " highly concerned to deprive the enemy of all " foreign assistance, and this gives it a right to con- " sider those who carry to its enemy things neces- " sary

" sary to war, if not absolutely as enemies, yet as " people who make little difficulty of hurting it, " and therefore punishes them by the confiscation " of the goods. *Should their sovereign offer to pro-* " *tect them, it would be equal to furnishing the enemy* " *with these succours himself; a measure doubtless* " *incompatible with neutrality.* A *nation* that with- " out any other motive than the prospect of gain, is " employed in strengthening my enemy, without re- " garding how far I may suffer, is certainly far from " being my friend, *and gives me a right to consider* " *and treat it as an associate of my enemy.*" Having established the right of preventing succours being carried to the enemy, he proceeds to point out the manner of enforcing that right.—" Without *search-* " *ing* neutral ships at sea, the commerce of contra- " band goods *cannot be prevented.* There is, then, " *a right of searching* a neutral ship; *refusing to be* " *searched, would, from that proceeding alone, be con-* " *demned as lawful prize.*"

Such is the law of nations, and such are the principles which Great Britain maintains. But Denmark, France, and America, have invented a new code. They do not, indeed, deny the right of searching neutral merchantmen, when they sail without convoy; but they set up the singular right of sending a convoy to prevent such search taking place; as if the *national* flag could change the nature of the property on board the private ships; or as if it could possibly deprive the neutral power of its right.

But, says the chamber-maid's gazette (we mean the Morning Post), " would it not be as well to refrain from the exercise of this right, rather than rouse an host of enemies against you?"—No, madam! if you give up the important right of searching vessels under convoy, where is the nation so poor in means, or so pure in mind, as not to be

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able and willing to send a convoy with its merchantmen? Give up this right, and your enemy will carry on his commerce, and receive every succour of which he may stand in need, while your mighty fleet will remain the motionless and mortified spectator of its country's ruin and disgrace. And, as to the danger of increasing the number of your enemies, by the vigorous exercise of this right, let VATTEL give the answer:—"Even," says he, "if I should, by taking such measure," (that of searching), "*render all these neutral nations my enemies*, I had better run the hazard, than suffer him, who is actually at war with me, to be thus freely supplied to the great increase of his power."—And if this observation be true, with regard to nations in general, with what peculiar force does it apply to Great Britain, whose influence in the world, whose safety, and whose very existence, as a nation, depends, in a great measure, on her maritime force, and on the exercise of her maritime rights?

Nor is the *hazard* so great as the pantalooned politicians would persuade us; for, though their cropped pates are powderless, thank God, we have powder of another description. There are persons, who, when you talk of Bonaparte, tremble as if they had the ague. For our parts, we see nothing formidable about him, except, perchance, it be his *horns*. A confederacy of the powers of the North would very nearly resemble one of our *non-consumption associations*; in a body they would make solemn resolutions, to which, individually, they would take special care not to adhere. Like the mice in council, they would most unanimously and most heroically determine to fix a tether round the neck of the cat; but the laudable project certainly would fail for want of some one to put it in execution. As to America, were the old lion at the point

point of death indeed, she might, like the ignoble ass, venture to give her blow amongst the rest; but while he retains his teeth and his claws, while health strings his nerves, and glory warms his heart, she never will have courage to come within the hearing of his roar.

While, however, we most heartily despise the machinations of both our open and secret enemies, we shall lose no opportunity of exposing their envy and malignancy; a striking instance of which is exhibited in the Convention between France and America. Extraneous circumstances and internal evidences concur to prove, that this Convention was levelled at Great Britain. When America had to complain of illegal captures made by the cruisers of *this* country, *indemnification* for these captures was a prominent article of the accommodation. How different has been her conduct towards her sister Republic! Her claims on Great Britain amounted to not *one* million of dollars, while those which she has against France amount to nearly *thirty* millions, a sum equal to *three whole years of her revenue*. Yet this immense claim has been quietly laid upon the shelf, and all the insults, the scourgings, the thumb-screwings, the shootings, the saberings, and the hangings, of the poor American citizen sailors, have been laid upon the shelf along with it. Nay, even on these degrading terms, the like of which no British negotiator would have dared to accede to, the Corsican did not condescend to treat, till he conceived the plan of a Convention that might tend to excite a neutral confederacy. That this was his object, and his only object, is clear from his haste in *publishing* the Convention. When was an instrument of this kind ever before promulgated *previous* to ratification? And though he might probably be *assured* that the American President would approve of the conduct of

of his Envoys, be it what it might, how could he be certain that the sovereign people of that country would be so ready to fraternize with him. The poor sovereign people, with their thirty millions of dollars, seem not to have made a single unit in his calculations. We can assure him, however, that this sovereign people is not such a senseless dolt as he may imagine, and that it will require something more solid than the frippery and froth of Citizen la Fayette to outweigh the advantages which the Americans know they derive from the friendship of England. Should we be deceived, however; should the people of America be foolish enough to listen to the suggestions of their and our enemies, we know the worst that can happen. Ten stout ships, added to our squadron at Halifax, would, in the course of three months, bring the sixteen United States to our feet, or send them to seek for new constitutions in the pigeon-holes of the Abbé Sieyes. We wish most sincerely to live in peace and amity with America; but we know her disposition too well to hope by concessions to preserve her friendship: and we have too intimate a knowledge of her resources to deprecate her anger, or dread her hostility.

PROCEEDINGS IN CONGRESS,

During the Session which ended in March, 1801.

The Legislature of Pennsylvania continued, on the 25th of November, to dispute about the mode of choosing electors; and as the electors *must* hold their election in the first week in December, it is probable that the next President and Vice-President will be chosen without any vote being given by Pennsylvania;

Pennsylvania; thus, in the most important election which can possibly be held in America, one sixth part of its "free and enlightened citizens" will be tricked out of their "*imprescriptible, unalienable and inestimable rights!*"—And this is called "*representative government,*" or "*self-government,*" and sometimes "*republican government.*" For our parts, we most heartily wish that the Pennsylvanians may be tricked out of their votes, because we think that the trick will preserve America from the fraternal embraces of *Jefferson* and *Bonaparte*; but we are not sure that the remedy will not prove too violent for the body politic of America, which, to make use of the words of the French Ambassador Fauchet, is in a state of "youthful decrepitude," of anticipated old age. We hope, however, for the best; and in all the changes which folly and faction may produce, the mass of the people of the United States will invariably have our good wishes.

On the 21st of November the President opened the Congress at the city of Washington. His speech was written *more for the use of the people of this country than for the people of America:* accordingly not a moment was lost in having it reprinted in the *Morning Chronicle.* But this speech stands in need of a commentary, which the *Chronicle* was not, we suppose, instructed to give; an omission which we shall endeavour to supply.

SPEECH.

"*Gentlemen of the Senate, and Gentlemen of the House of Representatives,*

"Immediately after the adjournment of Congress, at their last session in Philadelphia, I gave directions, in compliance with the laws, for the removal of the public offices, records, and property. These directions have been executed, and the public officers have since resided and conducted the ordinary business of the Government in this place.

"I congratulate the people of the United States on the assembling of Congress at the permanent seat of their Government

vernment, and I congratulate you, Gentlemen, on the prospect of a residence not to be changed. Although there is cause to apprehend *that accommodations are not now so complete as might be wished*, yet there is great reason to believe that this inconvenience will cease with the present session."

If the accommodations for two hundred persons are not so complete as could be wished, what a famous city must this be? We beg our readers to recollect the puff which a morning paper contained, a few days ago, on this subject. The fact is, this *city* is a mere ragged wilderness, in which more money has been sunk than the whole district, for twenty miles round, would sell for. But the speculators want to draw another half million from the pockets of John Bull, and, while the noble art of printing shall flourish, there will never be wanting prostituted newspapers to aid them in the swindling enterprize. We verily believe, that, with fifty guineas, fifty English newspapers might be led to discover Elysian Fields in the deserts of Siberia; and, with twice the sum, we think it possible to obtain, from the same papers, an eulogium on Lucifer.

"It would be unbecoming the representatives of this nation to assemble, for the first time, in *this solemn Temple*, without looking up to *the Supreme Ruler of the Universe*, and imploring his blessing. May this territory be the residence of virtue and happiness. In this city may that *piety and virtue*, that *wisdom* and *magnanimity*, that *constancy and self-government*, which adorned *the great character whose name it bears, be for ever held in veneration*. Here, and throughout our country, may simple manners, pure morals, and true religion, flourish for ever."

We do not see with what propriety the "*Capital*" of Washington city is called a "*solemn temple*;" nor do we much admire the exhortation to implore the blessing of "*the Supreme Ruler of the Universe*," which, on such an occasion, and from such a person, savours more of *cant* than of

piety. The eulogium on Washington would have had the air of sincerity, did we not recollect that Mr. Hamilton has publicly declared, that Adams *reproved* the Secretary at War for *praising General Washington*, and he even made this offence *a ground for displacing the said Secretary*. But, it is said, this arose from Mr. Adams's admiration of the General, and from his desire *to monopolize the pleasure of praising him!* This may be, and *we* hope that we shall never be so graceless as to interfere in the monopoly.

"It is with you, Gentlemen, to consider whether *the local powers over the district of Columbia*, vested by the constitution in the Congress of the United States, shall be immediately exercised If in your opinion this important trust ought now to be executed, you cannot fail, while performing it, to take into view the future probable situation of the territory, for the happiness of which you are bound to provide. You will consider it as the capital of a great nation, advancing with unexampled rapidity in arts, in commerce, in wealth, and in population; and possessing within itself those energies and resources, which, if not thrown away, or lamentably misdirected, secure to it a long course of prosperity and self-government."

Reader, do you know what this "*local power*" is? It is this: the Congress is authorized, by the constitution, to exercise *exclusive* jurisdiction, in all cases whatever, over that district (not exceeding *ten miles square*) which is the seat of government. Thus, has this government, at last, got some *territory* to rule over. Its subjects may probably amount to about seven hundred, exclusive of the inhabitants of the little town of Columbia. There will now be *eighteen* different *sorts* of local governments; *eighteen* distinct *sets of statutes* for the government of *one* nation. It will not, it *cannot* come to good.

"In compliance with a law of the last session of Congress, the officers and soldiers of the temporary army have been discharged. It affords real pleasure to recollect the honourable testimony

testimony they gave of the *patriotic motives* which brought them into the service of their country, by the readiness and regularity with which they returned to the station of private citizens."

Three fourths of these soldiers were *Irishmen.* Shame! shame! to talk of *patriotic motives!* It is well known, that, when they were disbanded, they did not amount to above half the number that they should have amounted to; and it is also well known, that one of the reasons (given by a member of Congress) for the officers' entering the service, was, *to save themselves from being arrested for debt!* And these are "*patriotic motives!*" There is not a man in America, not even a black fellow, who has not laughed at this part of the speech; but John Bull will think it wondrous fine; and his ANNUAL HISTORIANS will not fail to receive it as information of the first authority.—Go, go thy ways, John; thou art as honest a gull as any in Christendom.

"It is, in every point of view, of such primary importance to carry the laws into prompt and *faithful execution*, and to render that part of the administration of justice, which the constitution and laws devolve on the federal courts, as convenient to the people, as may consist with their present circumstances, that I cannot omit once more to recommend to your serious consideration the judiciary system of the United States. No subject is more interesting than this to the public happiness, and to none can those improvements, which may have been suggested by experience, be more beneficially applied."

Especially with such judges as you have; while such men as *Chase*, *Redman*, *Turner*, *Brackenridge*, *Shippen*, *Bramnon*, and *M'Kean*, sit upon the bench of justice, you may rest assured of a "*faithful execution*" of the laws. A few anecdotes of these seven judges would make our readers stare: but we have not room for them at present.

"A treaty of amity and commerce *with the King of Prussia* has been concluded and ratified. The ratifications have been exchanged; and I have directed the treaty to be promulgated by proclamation."

Ah! say'st thou so! Then it is high time for England to look about her.—*Mr. Adams's son* is the Ambassador at Berlin, where the Abbé Sieyes was at the time when Mr. Adams resolved, in a manner so very unexpected, to send another petitioning embassy to France.—More of this hereafter.

" The difficulties which suspended the execution of the sixth article of our treaty of amity, commerce, and navigation with Great Britain, have not yet been removed. The *negotiation* on this subject is still depending. As it must be for the interest and honour of both nations to adjust this difference *with good faith*, I indulge confidently the expectation, that the *sincere endeavours of the Government of the United States* to bring it to an amicable termination, will not be disappointed.

" The Envoys Extraordinary and Ministers Plenipotentiary from the United States to France, were received by the First Consul with the respect due to their character, and three persons with equal powers were appointed to treat with them. Although at the date of the last official intelligence the negotiation had not terminated, yet it is to be hoped, that our efforts to effect an accommodation will at length meet with a success proportioned to the sincerity with which they have been so often repeated.

" While our best endeavours for the preservation of harmony with *all nations* will continue to be used, the experience of the world, our own experience, *admonish us of the insecurity af trusting too confidently to their success.* We cannot, without committing a dangerous imprudence, abandon those measures of self-protection, which are adapted to our situation, and to which, notwithstanding our pacific policy, *the violence and injustice of others may again compel us to resort.* While our vast extent of sea-coast, the commercial and agricultural habits of our people, the great capital they will continue to trust on the ocean, suggest the system of defence, which will be most beneficial to ourselves—our distance from Europe, and our resources for maritime strength will enable us to employ it with effect. Seasonable and systematic arrangements, so far as our resources will justify, for *a navy adopted to defensive war*, and which may, in case of necessity, be quickly brought into use, seem to be as much recommended by a wise and true economy, as by a just regard for our future tranquillity, for the safety of our shores, and for the protection of our property committed to the ocean. The present navy of the United States, called suddenly into existence by a great national exigency, has raised

us in our own esteem, and by the protection afforded to our commerce, has effected, to the utmost of our expectations, the objects for which it was created.

"In connexion with a navy, ought to be contemplated the fortification of some of our principal sea ports and harbours. *A variety of considerations which will readily suggest themselves, urge an attention to this measure of precaution.* To give security to our principal ports, considerable sums have already been expended, but the works remain incomplete. It is for Congress to determine whether additional appropriations shall be made, in order to render competent to the intended purposes, the fortifications which have been commenced.

"The *manufacture of arms* within the United States still invites the attention of the national legislature. At a considerable expense to the public, this manufactory has been brought to such a state of maturity, as, with continued encouragement, will supersede the necessity of future importations from foreign countries."

We beg our readers to observe well what they have here read, and to connect it with the circumstance of a new treaty with Prussia, and the convention with France. America will not absolutely *go to war with us*; but unless we immediately *convince* her that we are not to be bullied out of our right of searching, she will *talk* about war; she will even attempt to *convoy* her merchantmen; and will certainly excite a loud clamour amongst those in this country, who own American stock, and American lands, and who trade with America. A sapient morning print is pleased to tell the public, that, "what passes in *so distant* a country, cannot be of much *general interest* in this kingdom." Let John Adams send out his convoys, and the sapient print will soon find its mistake. The sapient print does not know, perhaps, that America takes *more of our manufactured goods than all the nations of Europe put together*; that she holds *more of our capital than all the nations in the world*; that she takes more produce from our colonies, and carries more produce to them, *than all the other nations in the world*; these things, and a great many more, the sapient print knows nothing about, or it certainly would not say that events in

America are not "*generally interesting*" in this country.—"So *distant* a country!" This is like a baby. America does not concern us, *because it is a good way off.* Oh! sapient politician! You do not perceive that India is still more "*distant*," and you forget that Bermuda, the Bahamas, Jamaica, with a long list of valuable *et cæteras*, are not so far distant from America as from England; nay, that they are just at her door. The sapient print thinks *Bonaparte's decrees respecting emigrants*, of a vast deal more importance than the election of an American President. The sapient print often gives us columns full of matter about Sweden, Denmark, and Prussia, which three nations all put together, are of far less importance to us than the single city of New-York. But New York is at a great "*distance.*" America is rivalling us very fast in our commerce to the east of the Cape of Good Hope; she has more than *a hundred* vessels employed in the East India and China trade; she has all the profit from the province of Canada, while we have all the expense; she is ——— but she is at a great "*distance*," says the sapient print, and, therefore, she is of no consequence. We sincerely hope that the sapient print is quite *singular* in its opinion on this subject, and yet we are afraid it is not.

One thing, however, is certain; that, if we obstinately continue to look at nothing but the Continent of Europe, our fate will, at no very distant day, be something like that of the *one-eyed Doe.*

"*Gentlemen of the House of Representatives,*

"I shall direct the estimates of the appropriations, necessary for the ensuing year, together with an account of the public revenue and expenditures, to a late period, to be laid before you. I observe with much satisfaction, that the product of the revenue, during the present year, has been more considerable than during any former equal period. This result affords conclusive evidence of the great resources of this country, and of the

the wisdom and efficiency of the measures which have been adopted by Congress, for the protection of commerce and preservation of public credit.

" *Gentlemen of the Senate, and Gentlemen of the House of Representatives,*

" As one of the grand community of nations, our attention is irresistibly drawn to the important scenes which surround us. If they have exhibited an uncommon portion of calamity, it is the province of humanity to deplore, and of wisdom to avoid the causes which may have produced it. If, turning our eyes homewards, we find reason to rejoice at the prospect which presents itself; if we perceive the interior of our country prosperous, free, and happy; if all enjoy in safety, under the protection of laws emanating only from the general will, the fruits of their own labour, we ought to fortify and *cling to those institutions, which have been the source of such real felicity*, and resist with unabating perseverance, the progress of those dangerous innovations which may diminish their influence.

" To your patriotism, Gentlemen, has been confided the honourable duty of guarding the public interests, and while the past is to your country a sure pledge that it will be faithfully discharged, permit me to assure you, that your labours to promote the general happiness, will receive from me the most zealous co-operation. " JOHN ADAMS."

When we hear the President talk about the *institutions*, which have been the source of such *felicity* to America, we cannot help thinking, that he deals in the *équivoque:* and, while he really means the *institutions* of his forefathers, he leaves the world (and the ignorant of this country in particular) to think that he alludes to the *republican* institutions of the revolutionists. For a man *seriously* to talk about the *felicity* that had been produced by institutions which keep the nation everlastingly in a flame, would be absurd to the last degree. At the very time when he was making this speech, not less than five thousand mobs of citizens (upon a moderate computation) were engaged in political fray. There was not a country, not a parish, not a hamlet, not a neighbourhood of five families, the peace and felicity of which was not disturbed by the effects of the *new* institutions;

and, were it not for the *old* institutions, were it not for the sheriffs, the juries, the justices, the constables, and the other provisions of the *English* law, universal confusion, pillage, and bloodshed, would have ensued long enough ago.

Of all the sessions that the Congress ever held this was the least important in its proceedings. The CONVENTION with France was the only subject that attracted any degree of public attention; and, as this was confined to the Senate, whose chamber has not yet been thrown open to the mob, it made not much noise. The Senate objected to the second and third articles, as well they might; for, concessions more base in themselves, and more disgraceful to America could not have been entered into. At first, this dishonourable instrument was thrown out altogether; but, soon after, news having arrived of the defeat of the Imperial armies, of the complete success of the French on the continent, of the monstrous confederacy that was forming against England, and of the probability of England being compelled to make an immediate peace, the Senate resumed the examination of the Convention, and gave their advice and consent to ratify it, with the exception of the second and third articles. The President, Adams, in his Message, on this occasion, observed, "that it was his wish that the Convention should have been ratified intire: but as a different opinion was entertained by the Senate, a respect for the high authority of that body induced him to ratify it, under the conditions they had imposed; that he had nominated Mr. Bayard, Minister Plenipotentiary to France; but that Mr. Bayard had assigned to him the most satisfactory reasons for declining the embassy—reasons which would operate to prevent him

him from nominating any other individual qualified to discharge faithfully the duties of a Minister. He therefore suffered the business to devolve on his successor."

On the 4th of March, the Presidency of ADAMS expired. JEFFERSON entered upon the office the same day, with the following address to the two Houses of Congress.

"*Friends and Fellow Citizens,*

"Called upon to undertake the duties of the first executive office of our country, I avail myself of the presence of that portion of my fellow citizens which is here assembled, to express my grateful thanks for the favour with which they have been pleased to look towards me, to declare a sincere consciousness that the task is above my talents, and that I approach it with those anxious and awful presentiments, which the greatness of the charge, and the weakness of my powers so justly inspire. A rising nation, spread over a wide and fruitful land, traversing all the seas with the rich productions of their industry; engaged in commerce with nations, who feel powers and forget right, advancing rapidly to destinies beyond the reach of mortal eye; when I contemplate these transcendant objects, and see the honour, the happiness, and the hopes of this beloved country, committed to the issue and the auspices of this day, I shrink from the contemplation, and humble myself before the magnitude of the undertaking. Utterly, indeed, should I despair, did not the presence of many whom I here see, remind me that in the other high authorities provided by our constitution, I shall find resources of wisdom, of virtue, and of zeal, on which to rely under all difficulties. To you, then, Gentlemen, who are charged with the sovereign functions of legislation, and to those associated with you, I look with encouragement for that guidance and support, which may enable us to steer with safety the vessel in which we are all embarked amidst the conflicting elements of a troubled world.

"During the contest of opinion through which we have passed, the animation of discussions and exertions has sometimes worn an aspect, which might impose on strangers, unused to think freely, and to speak and to write what they think; but this being now decided by the voice of the nation, announced according to the rules of the constitution, all will of course arrange themselves under the will of the law, and unite in common efforts for the common good. All too will bear in mind this sacred principle, that though the will of the majo-

majority is in all cases to prevail, that will to be rightful must be reasonable; that the minority possess their equal rights, which equal laws must protect, and to violate would be oppression. Let us, then, fellow citizens, unite with one heart and one mind; let us restore to social intercourse that harmony and affection, without which liberty, and even life itself, are but dreary things; and let us reflect, that having banished from our land that religious intolerance under which mankind so long bled and suffered, we have yet gained little if we countenance a political intolerance, as despotic as wicked, and capable of as bitter and bloody persecutions. During the throes and convulsions of the ancient world, during the agonising spasms of infuriated man, seeking through blood and slaughter his long lost liberty, it was not wonderful that the agitation of the billows should reach even this distant and peaceful shore—that this should be more felt and feared by some and less by others, and should divide opinions as to measures of safety; but every difference of opinion is not a difference of principle. We have called by different names brethren of the same principle. We are all Republicans—all Federalists. If there be any among us who would wish to dissolve this union, or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it. I know, indeed, that some honest men fear that a republican government cannot be strong, that this government is not strong enough. But would the honest, in the full tide of successful experiment, abandon a government which has so far kept us free and firm in the theoretic and visionary fear that this government, the world's best hope, may, by possibility, want energy to preserve itself? I trust not; I believe this, on the contrary, the strongest government on earth.—I believe it the only one where every man at the call of the law would fly to the standard of the law, and would meet invasions of the public order as his own personal concern. Sometimes it is said that man cannot be trusted with the government of himself—Can he then be trusted with the government of others? Or have we found angels in the form of kings to govern him? Let history answer the question. Let us, then, with courage and confidence pursue our own federal and republican principles; our attachment to union and representative government. Kindly separated by nature, and a wide ocean, from the exterminating havoc of one quarter of the globe, too high minded to endure the degradations of the others; possessing a chosen country, with room enough for our descendants to the thousandth and thousandth generation; entertaining a due sense of our equal right to the use of our own faculties, to the acquisition of our own industry, to honour and confidence from our fellow citizens, resulting not from birth, but from our actions, and their sense of them

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enlightened by a benign religion, professed indeed and practised in various forms, yet all of them inculcating honesty, truth, temperance, gratitude, and the love of man, acknowledging and adoring an over-ruling providence, which, by all its dispensations, proves that it delights in the happiness of man here, and his greater happiness hereafter; with all these blessings, what more is necessary to make us a happy and prosperous people? Still one thing more, fellow citizens; a wise and frugal government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits and improvement, and shall not take from the mouth of labour the bread it has earned. This is the sum of good government; and this is necessary to close the circle of our felicities.

"About to enter, fellow citizens, on the exercise of duties which comprehend every thing dear and valuable to you, it is proper you should understand what I deem the essential principles of our government, and consequently those which ought to shape its administration. I will compress them within the narrowest compass they will bear, stating the general principle, but not its limitations: Equal and exact justice to all men, of whatever state or persuasion, religious or political; peace, commerce, and honest friendship with all nations; entangling alliances with none; the support of the state governments in all their rights, as the most competent administration for our domestic concerns, and the surest bulwarks against anti-republican tendencies; the preservation of the general government in its whole constitutional vigour, as the sheet anchor of our peace at home and safety abroad; a jealous care of the right of election by the people; a mild and safe corrective of abuses which are lopped by the sword of revolution, where peaceable remedies are unprovided; absolute acquiescence in the decisions of the majority, the vital principle of republics, from which is no appeal but to force, the vital principle and immediate parent of despotism; a well disciplined militia, our best reliance in peace, and for the first moments of war, till regulars may relieve them; the supremacy of the civil over the military authority; economy in the public expense, that labour may be lightly burthened; the honest payment of our debts, and sacred preservation of the public faith; encouragement of agriculture and commerce, as its handmaid; the diffusion of information and arraignment of all abuses at the bar of the public reason; freedom of religion, freedom of the press, and freedom of the person, under protection of the Habeas Corpus; and trial by juries impartially selected. These principles form the bright constellation which has gone before us, and guided our steps through an age of revolution and reformation. The wisdom of all our sages, and blood of our heroes have

have been devoted to their attainment: they should be the creed of our political faith, the text of civic instruction, the touchstone by which to try the services of those we trust; and, should we wander from them in moments of error or of alarm, let us hasten to retrace our steps, and regain the road which alone leads to peace, liberty and safety.

"I repair, then, fellow citizens, to the post you have assigned me. With experience enough in subordinate offices to have seen the difficulties of this, the greatest of all, I have learned to expect that it will rarely fall to the lot of imperfect man to retire from this station, with the reputation and the favour which bring him into it. Without pretensions to that high confidence you reposed in your first and greatest revolutionary character, whose preeminent services had entitled him to the first place in his country's love, and destined for him the fairest page in the volume of faithful history, I ask so much confidence only as may give firmness and effect to the legal administration of your affairs. I shall often go wrong through defect of judgment: when right, I shall often be thought wrong by those whose positions will not command a view of the whole ground. I ask your indulgence for my own error, which will never be intentional; and your support against the errors of others, who may condemn what they would not if seen in all its parts. The approbation implied by your suffrage is a great consolation to me for the past, and my future solicitude will be to retain the good opinion of those who have bestowed it in advance; to conciliate that of others, by doing them all the good in my power, and to be instrumental to the happiness and freedom of all.

"Relying, then, on the patronage of your good will, I advance with obedience to the work, ready to retire from it whenever you become sensible how much better choices it is in your power to make; and may that infinite Power, which rules the destinies of the Universe, lead our councils to what is best, and give them a favourable issue for your peace and prosperity."

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TO

PORCUPINE'S WORKS,

IN TWELVE VOLUMES.

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